

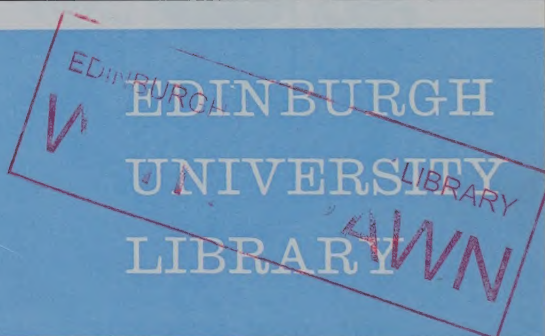


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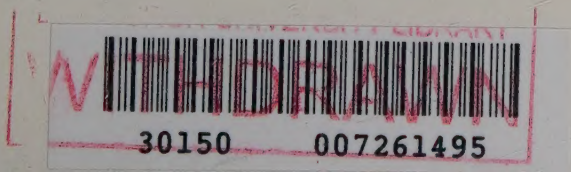
Vol. 22



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Notable British Trials

James Blomfield Rush

# NOTABLE BRITISH TRIALS SERIES

General Editor—HARRY HODGE

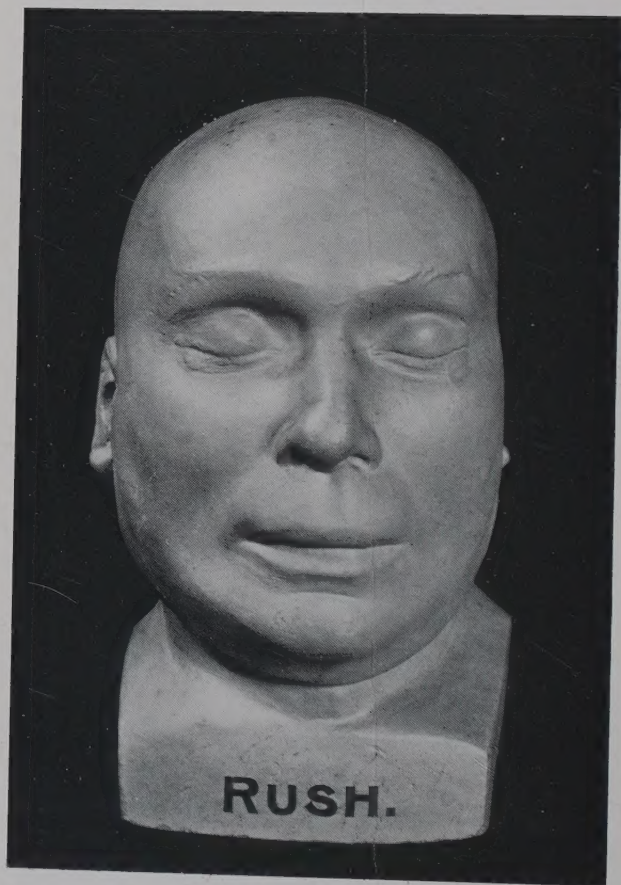
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Death Mask of James Blomfield Rush.  
In the Castle Museum, Norwich.

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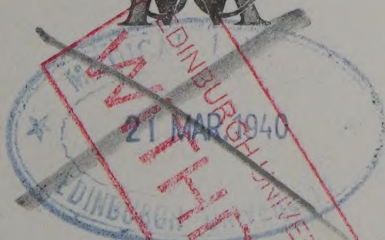
# Trial of **James Blomfield Rush**

(1849)

EDITED BY

W. Teignmouth Shore

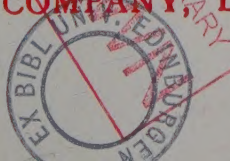
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TO  
WILLIAM ROUGHEAD, W.S.  
GOOD FRIEND AND ADMIRABLE  
FELLOW CRIMINAL



## PREFATORY NOTE.

BUT for the patient, cordial, and kindly assistance given me by many my task in compiling this volume would have been impossible. To the following, among others, I tender my grateful thanks:—The Town Clerk, Norwich; Mr. Fred Johnston, the City Muniment Room, Norwich; Mr. Frank Leney, Curator of the Castle Museum, Norwich; Mr. T. L. G. Burley, Norwich; and in particular to Mr. William Roughead, W.S., for his generous gift of his valuable collection of “Rushiana,” which greatly lightened my labour.

W. TEIGNMOUTH SHORE.

LONDON, *September, 1928.*



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# JAMES BLOMFIELD RUSH.

## INTRODUCTION.

### I.

THE character and career of James Blomfield Rush were more melodramatic than any melodrama, yet they afford an absorbing "subject" to the student of the mentality of the murderer. His Trial is interesting to lawyers chiefly because of the remarkable behaviour of the accused, who defended himself, making a most amazing speech, perhaps the most vivid "oration" ever delivered in a Criminal Court. Also, there are several matters of mystery in the story, such as the connection between the murderer and the murdere<sup>e</sup>.<sup>1</sup>

This Introduction aims at two things—

- (a) To enable the reader to understand and follow intelligently the tale set forth at the trial;
- (b) To throw light upon the character of this most astonishing murderer.

### II.

James Blomfield was the illegitimate child of a well-to-do gentleman farmer, resident in the neighbourhood of Wymondham, in the county of Norfolk, and of Mary Blomfield, of Tacolnestone, in the same county. The exact date of his birth is not ascertainable, but it was about the year 1800. In an action for breach of promise of marriage, which she brought against the father, the mother was awarded heavy damages. When her child was about two years of age, she married Mr. John Rush, a farmer dwelling at Felmingham, who adopted the boy and permitted him the use of his name.

Rush was sent to the school of Mr. Nunn at Eye, but his education was not extensive, judging by the crudities of his letters

<sup>1</sup> A very useful term coined by Miss F. Tennyson Jesse.

## James B. Rush.

and conversation. Round the childhood days of famous and infamous men legends gather, but not much importance attaches to the stories told of Rush's boyhood, as most of them seem to have been manufactured to fit with his later notoriety. It is recorded that his schoolmates counted him as sharp and shrewd, also as uncommonly tricky and not over-honest.

In 1824, when he was about twenty-three, he became the tenant of a small farm at Aylsham; in 1828 he married Miss Soames, of that parish; and shortly afterward he took a farm at Wood Dalling, of which Mr. W. E. Lytton Bulwer was the owner.

Early in his career he seems to have acquired an evil reputation, if we may credit what was written of him after he was known as a malefactor. Thus we read: "At this early age (twenty-three or so), he does not appear to have been free from charges affecting his moral character; the cunning and trickery of the schoolboy were now ripening into sharp practice, if not into direct fraud, in his commercial transactions. He contrived, however, to maintain an external propriety of demeanour, attended his parish church with some regularity, and associated with families of character and respectability in the neighbourhood, by whom he was regarded as a thriving young man, of good prospects. . . ." But from another source there comes this: "His family rapidly gathered round him while at Dalling Hall farm, yet such were then his unrestrained propensities that his servants were debauched, and other intercourses kept up highly disreputable to any man, and deeply criminal in one of his domestic position. He appears not to have been held in any great general estimation even by those connected with him at any period of his life; on the contrary, the writer<sup>2</sup> of this has heard persons who have had numerous transactions, and who by other circumstances were brought into close contact with him, give their opinion of him and to him, in terms which his present situation proves them to have formed a just appreciation of his character. 'Rush will be hanged,' was not an infrequent exclamation of one who knew him long and well." This should be taken *cum grano*, as probably an example of being knowing after the event, but it and other such statements doubtless contain a modicum of truth.

It would be interesting to learn at what age Rush came to know that he was an illegitimate child, but doubtless both the fact

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<sup>2</sup> The famous Mr. Anon.

## Introduction.

that he was, and the knowledge of it, had a big influence upon the formation of his character. His social standing would be beneath the county gentlefolk, and, the by-blow of a gentleman, he would be looked down on by those beneath him. In a man of his truculent nature this would almost certainly lead to his becoming an Ishmaelite, his hand against every one, and his inborn ferocity would be emphasised and increased. He loved to beard and abuse a gentleman; he delighted to browbeat and insult his equals and inferiors. The upshot was that he became infamously famous.

Early in life he came into unpleasant contact with the law. While at Wood Dalling he was accused of arson, the burning of a rick, but escaped being put on his trial. At first the insurance company declined to make him any payment, but eventually compromised for a small compensation.

Before narrating another episode it will assist and amuse to quote a passage from another account of his career: "It had been well for Rush if the comforts of his own fireside and the attractions of home had withdrawn him from dangerous associations abroad. But, unfortunately, he formed an intimacy with Cobbett—read his books with avidity, and adopted not only his political, but his anti-religious views. Paine's 'Age of Reason,' which Cobbett recommended, next became his study, and as he drank in the draughts of poison it contained their pernicious influence became visible in his whole demeanour. He no longer sought and delighted in the society of his friends and equals, but almost wholly addicted himself to the companionship of persons of low taste and depraved habits. Political discontent, which was rife among the agricultural labourers, he delighted rather to foster than to quench. . . . He was known among his companions as a libertine. . . . He made a boast of seduction. . . ."

In 1830 the introduction of threshing machines stirred discontent among farm hands, and there was considerable rioting. On the 24th November of the year named a mob gathered in the neighbourhood of Foulsham, their objective being the destruction of any machines they could get at. The rioters were dispersed, and in their flight some made their way across Rush's farm, and he aided and abetted a rescue that was effected. The result was his appearance at the March Assizes at Thetford in 1831, but an "arrangement" was come to, and on entering into his recognisances to keep the peace he was allowed to go free.

## James B. Rush.

*The King v. Rush.*—This was an indictment against Mr. J. B. Rush, a gentleman who occupies a farm under E. L. Bulwer, Esq. and resides at Dalling Hall, in Norfolk. The indictment, which contained several counts, was found at the last Sessions, and was afterwards removed by certiorari. It charged Mr. Rush with aiding and assisting in the rescue of a person who had been apprehended for machine breaking by Mr. Thaxter (a game-keeper of Sir J. Astley's) and Mr. J. Brooke Gill, of Billingford, on the 24th of November last. On that day a large number of persons had assembled at Foulsham, and had proceeded to break several machines, and amongst the rest one belonging to Mr. Hindry; while in the act of breaking this, a number of horsemen, under the direction of Sir Jacob Ashley, the Hon. G. J. Milles, and P. Boileau, Esq. came up and dispersed the rioters, who fled. Some of them in their way home went by a foot-path, which led to Dalling, and almost immediately past the premises of Mr. Rush, who was riding in his meadow, and first met the men, and afterwards Messrs. Gill and Thaxter, who were following them. Mr. Rush turned back, and when the men got into his homestall,<sup>3</sup> Gill and Thaxter endeavoured to take some of them, and at last Thaxter succeeded in apprehending a man named Joyce, at the corner of Mr. Rush's riding stables; Mr. Rush was then represented to have called to some men who were in his yards to come and rescue Joyce; the men came and Joyce was rescued; Mr. Rush was called upon to assist Gill and Thaxter, but did not do so.

These were shortly the facts of the case as sworn to by the witnesses for the prosecution.

Mr. Palmer, with great ability, took legal objections to every count in the indictment, and the Learned Judge said the third count was clearly bad.

Mr. Palmer having made his objections, said he did not do so for the purpose of screening his client from punishment. The instructions on his brief were not to take legal objections; that his client felt himself innocent of the charge, and he was most anxious to have it decided upon its merits.

On the suggestion of his Lordship, it was here intimated, that if Mr. Rush would plead guilty, no punishment would be pressed for.

Mr. Palmer having consulted with Mr. Rush, said, that if the Hon. J. G. Milles and Mr. Keppel, whom he saw on the Bench, would undertake to investigate afterwards, in private, the evidence Mr. Rush had to offer in his defence, he would plead guilty. This those gentlemen declined.

Mr. Palmer was about to address the Jury for the defence, when another proposition was made, that no verdict should be taken, but that Mr. Rush should enter into his own recognisance to keep the peace.

After some deliberation, these terms were acceded to; no verdict was taken, and Mr. Rush entered into the required recognisance.

In 1835 he acquired for a period of eighteen years the tenancy of a farm at Felmingham, at a rental of £110, from the Rev. George Preston, and in the succeeding year he became tenant of the Stanfield Hall farm, under the same landlord, at a rental of £500.

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<sup>3</sup> Farmyard.





Map of the Neighbourhood of Stanfield Hall.

## Introduction.

It may be noted here that during the Hilary Term Assizes at Norwich in the year 1839 Rush made his appearance, in an action brought against him by a woman named Dank for breach of promise of marriage and seduction, the plaintiff having been compelled to seek shelter in the work-house, Rush refusing to render her any assistance. Rush lost the case.

### III.

Some account must now be given of the Stanfield Hall estate and the family of Preston.

In 1735 one William Jermy married the heiress to the estate, which thus came into the Jermy family. This William in 1751 took as his second wife Frances Preston, and died without children. The Stanfield property was entailed on his nephew-by-law, Jacob Preston, then to Thomas Preston, his brother-in-law and his heirs-male, who on succession were to assume the name and arms of Jermy. Were there no issue to Jacob or Thomas, the property was then to go to the male Jermy nearest related to William. Out of this complicated arrangement arose much trouble. In 1753 there lived at North Walsham a lawyer named Jermy, who claimed to be the nearest male relative, and in 1754 a bargain was struck with him by which he assigned for the nominal price of £20 all his claims to the Stanfield Hall estate to Isaac Preston, father of Jacob, who was a minor. Both Jacob and Thomas died without issue, and Isaac Preston, a stepbrother, succeeded. He, too, died without a son, leaving all his property to his brother, the Rev. George Preston, rector of Beeston Saint Lawrence, Norfolk, who, as already noted, in 1835 became Rush's landlord. The bearing of this tortuous story upon our matter will soon be apparent.

Mr. John Rush, stepfather<sup>4</sup> of our Rush, also held his farm under the Rev. George Preston, which was seemingly the commencement of the disastrous and somewhat mysterious connection between the two families. James Blomfield Rush, our Rush, was intimate with his landlord, acting as his agent or steward, apparently obtaining considerable influence over the old man and holding his entire confidence. At this time, too, he built up some connection as an auctioneer and estate agent.

### IV.

In 1837 the Rev. George Preston died, being succeeded by his eldest son Isaac, born in 1789. Isaac had a somewhat dis-

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<sup>4</sup> In those days generally called father-in-law.

## James B. Rush.

tinguished career. He was educated as a town boy at Westminster, proceeding to Christ Church, Oxford, where he took his degree in 1812. He was admitted student to Lincoln's Inn, and "called" in 1814. He held several public offices, and in 1831 was appointed Recorder of Norwich. In order to regularise his ownership of the Stanfield Hall estate, which was disputed, in 1838 by Royal licence he assumed the surname of Jermy, receiving assent in the following portentous but instructive document:

VICTORIA R.—Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., to our right trusty and right entirely beloved cousin and councillor Bernard Edward Duke of Norfolk, Earl Marshal, and our Hereditary Marshal of England, greeting: Whereas, Isaac Preston, of Stanfield Hall, in the county of Norfolk, and of the city of Norwich, esquire, recorder of the said city, hath by his petition humbly represented unto us:—That he is the eldest son of the late Rev. George Preston, who was the youngest but last surviving son of Isaac Preston, of Beeston Saint Lawrence, in the said county, esquire, whose sister Frances intermarried with William Jermy, of Bayfield, in the same county, esquire, deceased. That the said William Jermy, by his last will, dated 8th day of December, 1751, gave and devised all his manors, freehold and copyhold messuages, lands, tenements, and hereditaments, whatsoever and wheresoever, in the event of his dying without issue, to trustees therein named, to the use of his, the testator's wife, the said Frances Jermy, for life, and after her decease to the use of Jacob Preston, son of the said Isaac Preston, the petitioner's grandfather, for life; remainder to the first and other sons of the said Jacob Preston, and the respective heirs male of their bodies severally and successively, and in default thereof to the use of Thomas Preston, of the city of London, merchant, brother of his, the testator's said wife, for life; remainder to the use of the first and other sons of the said Thomas Preston, and the respective heirs male of their bodies severally and successively, and for default of such issue to such male person of the name of Jermy as should be the nearest related to him, the said testator, in blood, and to his heirs and assigns for ever. That by the said will it is declared, that such person who shall be entitled to the said hereditaments and premises, by virtue of any of the limitations aforesaid, when and as they respectively come into the actual possession of the said hereditaments, or any part thereof, by virtue of any of the limitations aforesaid, and during such time as they respectively shall be in possession of the same premises, or any part thereof, shall take, and continue to use, the surname, and bear the coat of arms, of the testator, the said William Jermy, with a clause of forfeiture in case of refusal or neglect so to do. That the said testator, William Jermy, died without issue in January, 1752, without revoking his said will, and the estates thereby devised being subject to the payment of a certain annuity and divers legacies, were found unequal to meet these charges; and the estates in remainder being settled, as aforesaid, upon Jacob Preston, a minor, the said Isaac Preston, his father

## Introduction.

and guardian, and trustee, purchased, in 1754, for a valuable consideration, and with the consent and privity of his sister, the said Frances Jermy, and of the heir at law of the said testator, the ultimate remainder or reversion in fee of the before-mentioned estates. That the petitioner's grandfather, the said Isaac Preston, died in 1768, and by his will, dated the 25th day of November, 1764, bequeathed all his estates to his said son, Jacob Preston, and his issue, and in default of such issue, such estates as he had purchased to his male heir. That Jacob Preston and Thomas Preston, the second and third devisees under the will of the testator for the said William Jermy, both died without issue in the lifetime of Frances Jermy (widow of the testator, and afterwards wife of John Michell, of Boston, esquire), upon whose death, in 1791, Isaac Preston, the eldest surviving son (by his second marriage) of the said Isaac Preston, the petitioner's grandfather, came into possession of the estates devised as aforesaid by the will of the said William Jermy, but by virtue of the devise contained in the will of his said father, the last-named Isaac Preston, who had purchased the ultimate remainder in fee. That the said Isaac Preston, uncle of the petitioner, suffered a recovery of the said estates in the year 1792, and died in 1796 without issue; and by his will, dated the 6th day of July, 1792, entailed his estates upon his younger brother, the said Rev. George Preston, the petitioner's father, for life, and after his decease, upon the said petitioner, for life, and the heirs male of his body, severally and successively. That Thomas Preston, the next brother of the said Isaac Preston, died unmarried in 1807, leaving the petitioner's father, the said Rev. George Preston, his heir, who, having also died on the 23rd day of October, 1837, the petitioner is become entitled to, and is now in the actual possession of, the estates devised by the will of the said William Jermy, and is very desirous of taking and using the surname, and bearing the arms of Jermy. The petitioner, therefore, most humbly prays our Royal licence and authority, that he and his issue may henceforth take and use the surname of Jermy only, in lieu of that of Preston, and also bear the arms of Jermy.—Know ye that We, of our princely grace and special favour, have given and granted, and by these presents do give and grant, unto him, the said Isaac Preston, our royal licence and authority, that he and his issue may henceforth take and use the surname of Jermy only, in lieu of that of Preston, and also bear the arms of Jermy, such arms being first duly exemplified according to the laws of arms, and recorded in the Herald's office, otherwise this, our licence and permission, to be void and of none effect. Our will and pleasure therefore is, that you, Bernard Edward Duke of Norfolk, to whom the cognisance of matter of this nature doth properly belong, do require and command that this our concession and declaration be recorded in our College of arms, to the end that our officers of arms, and all others, upon occasion, may take full notice and have knowledge thereof. And for so doing, this shall be your warrant. Given at our Court at St. James's, the twenty-second day of August, 1838, in the second year of our reign.

By Her Majesty's command,

J. RUSSELL.

He married twice: by his first wife he had a son, Isaac Jermy

## James B. Rush.

Jermy, born in 1821, and a daughter, Ellen; by his second wife, whom he married in 1832, a daughter, Isabella. He was a capable, blunt-mannered man, and does not seem to have been over-popular.

Isaac Jermy Jermy married Sophia Jane Chevalier, who bore him a daughter named Sophia Henrietta. Of his career there is nothing to tell that affects our story.

### V.

As stated, Mr. Recorder Jermy's possession of Stanfield Hall was disputed, the claimants being Thomas Jermy, a member of another branch of the family, and a more distant relative, John Larner, his cousin.

The Hall is situated about two miles from the town of Wymondham, and in one of the divisions of that parish. A fine mansion, in pseudo-Tudor style, enclosed by a moat and surrounded by an extensive park.

In June (1838) the furniture, library, and some of the personal goods of the Rev. George Preston were advertised for sale; Jermy and Larner put in a claim to the estate, serving notices upon Mr. Jermy and the auctioneer, Mr. John Culley, to stop the sale. Larner made an attempt to secure possession of the Hall, but was thrown out by Rush, acting as bailiff for Mr. Jermy. Thinking to establish his claim or at least force it upon notice, Larner proceeded to fell and remove some of the timber in the park, for which he was apprehended, but discharged by the magistrate, who, however, inflicted heavy penalties upon some of his assistants. In September Larner reappeared, coming from London accompanied by a solicitor named Daniel Wingfield. The following handbill was distributed in the neighbourhood:—

To Workmen, Labourers, and others.—Whereas Isaac Preston, Recorder of the city of Norwich, (recently styled I. Jermy), having publicly acknowledged that he has no right or title to the Stanfield estates, mansion, and manors, but naked possession only; workmen, labourers, and others are therefore duly cautioned not to aid & assist the said Isaac in attempting to prevent the Heir at Law, John Larner, from taking possession of his family residence, Stanfield Hall, otherwise they will be liable to be prosecuted for a breach of the peace.

JOHN LARNER.

Cross-street, City-road, London, 22d Aug. 1838.

Witness—Daniel Wingfield.

## Introduction.

After various alarms and excursions on the part of the persistent Larner, on 24th September there followed an extraordinary raid:

Larner appeared at Stanfield Hall, with a very large party of men, assembled, as it afterwards appeared, from different parishes of the county. Shortly after eleven they were seen entering the park by the Drive; they were making a little cheering and waving their hats; they were in number about 80, and nearly all had laurel leaves in their hats. They went to the kitchen door of the Hall, and demanded admittance from Mrs. Sims,<sup>5</sup> and upon her refusal they said they should open it. Larner took a crowbar which had been brought, done up in paper, and proceeded to force the door open, which was soon effected, and the party rushed into the house. Soon after they proceeded, with Larner at their head, to an upper room where Mrs. Sims was. Larner entered first, and asked Mrs. Sims to leave the house, which she refused. He told her if she did not she should be carried out, and he took her up in his arms and carried her downstairs by force. Miss Blomfield, knowing Mrs. Sims was alone, had gone up to the Hall in the morning, and was in the kitchen when the men broke open the door. Larner told her to walk out; she refused, and went upstairs to Mrs. Sims. After carrying out Mrs. Sims, Larner came back and carried Miss Blomfield also out by force. Immediately Larner and his men got possession of the house, they proceeded to turn out all the furniture, they broke open all the closets, in one of which Mrs. Sims informed them there was money; Mrs. Sims having left between £11 and £12 there; Larner said her money should be safe, but she found that £9 4s. only had been returned to her. Having cleared everything out of the house, they barricaded the doors and windows up, and no one was allowed to go in except his own party, who kept going backwards and forwards, and, as it appeared afterwards, had taken in a vast quantity of stones and brickbats, which were laid in every room near the windows, as if they had prepared for a siege. During the time that this was taking place Mr. Jermy, who is himself in the commission of the peace for the county of Norfolk, arrived and gave directions to Hubbard and Pont, two police constables of Wymondham, to protect the furniture which had been turned out of the house, and which was exposed in the yard to a heavy rain. It appeared useless, with the civil force at command, to attempt to take the persons engaged in the outrage into custody. Mr. Jermy read the Riot Act in front of the house and again at the back, and called upon the people to attend and listen, and cautioned them, if they remained an hour after the Act was read, they would be guilty of felony. Between three and four the Hon. and Rev. Robert Wilson<sup>6</sup> and W. R. Cann, Esq., two county magistrates, arrived. An attempt was made to stop some of the persons who were aiding the persons in the house. Resistance was made to the constabulary force, and Dale Hubbard, the police officer, was struck down. Hubbard endeavoured to secure another man armed with a bludgeon, who had been noticed as very active amongst the rioters; but the word was given that one of their

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<sup>5</sup> A relative of Rush, as presumably was Miss Blomfield.

<sup>6</sup> Of course this should read: "the Reverend the Honourable." It is curious how this solecism persists.

## James B. Rush.

party was in custody, and a number rushed from the house on the call for assistance, and a rescue was effected. It being found that the civil force was inadequate to quell the disturbance, a message had been sent off to Major Makepeace, at the Norwich barracks, for the aid of the military. Several violent collisions had in the meantime taken place, and the constables (Hubbard, Pont, and Tipple), Mr. Gray, of Wymondham, who had given his assistance, as well as Mr. Jermy, had been violently assaulted by some of the party, who were distinguished by laurel leaves in their hats. The rioters, after rescuing their companion, returned to the house. Several of the most active in the affair were afterwards identified by the constables and others. About half-past four Mr. Wilson again read the Riot Act; he commanded silence, and asked some persons in the house to open a window; as they would not do that, he went round to another part of the house, where a window was open, and read the Act, cautioning the persons in the house to beware of the consequences to which they were exposing themselves. Men were to be seen at all the windows, and even on the top of the house, and they had armed themselves with bludgeons. About a quarter before six a detachment of the 4th Dragoon Guards, under the command of Captain Hodge, arrived at Stanfield Hall. Major Makepeace was also on the spot. Under the directions of the magistrates the military drew up by the Hall, and orders were given to prime and load with ball cartridge. The soldiers were stationed around the mansion, so that none of the persons inside could escape. The rioters were summoned by the magistrates to surrender. Five minutes were given for consideration; and the besieged were informed that unless they submitted, force would be made use of to gain admittance. Before the time had expired, the rioters thought it the most prudent part to give up further resistance. A door was opened, and as they came out one by one they were attached to a rope, to prevent escape. Wagons were procured, and 63<sup>7</sup> were brought under a military escort to Norwich Castle, where they arrived about eleven o'clock at night. The others, who were known and identified, were allowed to go under the promise to appear the next morning before the magistrates.

They were tried at the Lent Assizes in April, 1839, short sentences being passed, even Larner and Wingfield being let off with three months.

An unexplained event is this. When Mr. Jermy succeeded to the Stanfield property he decided to pull down the Hall! Here is Rush's account of what happened: When Mr. Jermy "came into possession, he took it into his head to pull the Hall and all the offices down, and offered them to several people for that purpose. I persuaded him all I could not to do so, but he would; and, after I found he was determined to do so, I bought the Hall, with the offices, with the understanding that I could have pulled them all down immediately, or have the whole of my term to do so. In less than two years he altered his mind, and I let him have

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<sup>7</sup> Some accounts say 82.



Stanfield Hall, 1849.  
(Teignmouth Shore Collection.)



## Introduction.

the Hall as it is now standing, with the coach-house and stable, back again for the same as I gave him, which was only £1000." There must have been something behind this extraordinary performance. Indeed, the bearing of Rush toward Jermy all along is very strange. So much so that Mr. A. D. Bayne, in "The Stanfield Tragedy,"<sup>8</sup> thought it necessary to write: "It has been stated and believed he (Rush) was a near relation to the late Mr. Jermy; but there is no ground for the supposition." Nor have I found any evidence that Rush claimed to be so—a claim which if he had been in a position to substantiate he would without doubt have made in one of his fits of savage ill-temper. I have not been able to find a reasonable explanation of the relationship of mixed friendship and enmity which existed between the two men and which resulted so disastrously.

On succeeding to the property Mr. Jermy found that the leases which had been granted by his father to Rush for the Felmingham and Stanfield Hall farms had been irregularly drawn and were not binding. He granted new leases, but, as Rush asserted, at advanced rentals. This, so far as I have been able to ascertain, was the starting point of Rush's enmity, which developed into a ferocious hatred.

There was another curious performance in 1838, Rush buying Potash farm, hard by Stanfield Hall. Hearing that it was for sale, Mr. Jermy empowered Rush to purchase it for him, limiting the price to be given to £3500. But Rush purchased it for himself for £3750, and, not having the money to complete the transaction, induced Mr. Jermy to advance it to him upon mortgage! The upshot was that by 1844 there was a total charge upon Rush's estate—Potash farm principally—to the tune of £5000, the annual interest upon this sum at 4 per cent. coming to £200. Technically Rush became Mr. Jermy's tenant at Potash, in order that the latter might have power to distrain for rent if and when the interest on the loans and debts was not punctually paid. Rush denied this version of the deal, but it seems to be substantially accurate. The money thus secured was to remain on loan until 30th November, 1848—a noteworthy date. Fortunately, it is not necessary to go into these complicated matters more fully; they were lucidly dealt with at the trial in the opening address for the prosecution.

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<sup>8</sup> Jarrold & Sons, 1849.

## James B. Rush.

It is sufficient to note that Rush was Mr. Jermy's tenant on no less than three farms, Felmingham farm, Stanfield Hall farm, and Potash farm, and was very heavily indebted to his landlord; indeed, hopelessly so.

### VI.

In October, 1844, Mr. Rush, senior, died in circumstances that did not enhance Rush's already somewhat sulphurous reputation. Here is an account of the event, taken from a contemporary newspaper :

*Horrible Accident.*—On Thursday last<sup>9</sup> Mr. Rush, a respectable farmer at Felmingham, and father of Mr. Rush, a farmer and auctioneer at Wymondham, was shot dead on the spot in his own kitchen, by the accidental discharge of a gun. It appeared, that the son had been over the father's farm at Felmingham, shooting, having paid his father a visit for a day's sport; and having returned home to his father's, had been admiring his gun, and directing the attention of his father to it as a very superior one. The son retired into another room and left his father examining the gun. Almost directly after, a report was heard, and when the son went to see what was the matter, he found the bleeding corpse of his father lying prostrate in the kitchen. It was found, that the gun had gone off, lodging the whole contents in the head of his father, entering at the left cheek. Instantaneous death was the consequence. An inquest was held on the following day, before Mr. Dench, coroner for the liberties of the Duchy of Lancaster, when the jury returned a verdict of "Accidental death."

There was a doubt whether Mr. Rush could have inflicted the wound upon himself, a very grave doubt. If he had not done so, it was his adopted son who must have inflicted it. The major part of the old man's property was left to the widow, off whom Rush promptly borrowed a large sum.

The following is a portion of the text of the father's will, which was produced at Rush's bankruptcy, to show that his mother was possessed of property. Rush set forth that he was indebted to her £1700, namely, the £1500 borrowed on the 9th of November, 1844, and £200 on the 22nd of March, 1845.

This is the last will and testament of me John Rush of Felmingham, in the county of Norfolk, farmer.—First, I give and devise all and every my messuages, cottages, lands, tenements, and hereditaments, situate, lying and being at Felmingham aforesaid, and also all and every other my messuages, &c., unto Mary Rush, my wife, and to her heirs and assigns for ever, and I nominate and appoint the said Mary Rush my Executrix,

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<sup>9</sup> 3rd October.

## Introduction.

and Edmund Rush, of Carlton Rode, in the said county, farmer, Executor of this my will. . . . [Here follow various legacies.] . . . And all the rest, residue, and remainder of my monies, and all my securities for money, and all and every my household furniture, farming stock, goods, chattels, and personal estate, of whatsoever nature, kind, or sort the same may be or consist at the time of my decease (subject to the payment of the aforesaid legacies, to my just debts, funeral, and testamentary expenses), I give and bequeath unto the said Mary Rush, my wife. And lastly, I revoke all former and other wills by me made, declaring this only to be my last will and testament. In witness whereof I, the said John Rush, the testator, have to this my will, contained in one sheet of paper, set my hand, this 19th day of January, A.D., 1842. (Signed) John Rush.

The will was administered on the 9th of November, 1844, in the Archdeacon's Court at Norwich, when the personal effects were sworn at £7000. Mrs. John Rush survived until August, 1848, her death being hastened by her son's misconduct.

In May, 1848, she was taken ill, dying some three months later. On the Friday preceding her death Rush left Felmingham for London, returning early in the morning of the following Sunday. During that night the nurse in attendance was requested to leave the patient's room, Rush being left there alone. Returning shortly, she found him giving the old lady some pine-apple; later he administered some cake, sometimes dry, sometimes moistened with liquor which actually was or at least looked like wine. At half-past four another nurse was sent for, who found Mrs. Rush in a dying condition. She died a few hours later, and the nurses were promptly paid and sent off. Her property was left to trustees for the benefit of his children, and he forged a codicil to the will which placed the property in his power till his youngest child attained the age of twenty-one.

## VII.

Going back a bit, in 1842 or 1843 Rush lost his wife after a lingering illness, the mother of his nine legitimate children. He seems to have been assiduous in his attendance upon her during her illness, and he expressed deep grief at her loss. It may be noted here that at the time of the murder Rush's eldest son was married, four boys had been sent to school in France, and two girls were being educated in London.

In October, 1846, Rush advertised in *The Times* for a governess, meeting applicants in London. One of these, whom he

## James B. Rush.

engaged, was Emily Sandford, who was to play so prominent a part in the approaching tragedy. Both she and her mother were caught by Rush's "polite behaviour, apparent respectability, general intelligence, and moral and religious conversation," which prepossessed her father also in his favour. He brought her down to Stanfield Hall farm, and there seduced her, having induced her to compliance with a promise of marriage. Then he took lodgings for her in Mylne Street, Pentonville, hard by the Angel Tavern, Islington, a favourite haunt of his. Here, assuming the character of her fond uncle, he frequently visited her. When he stayed the night a bed was made up for him by the landlady, who apparently had no suspicion of the *liaison*. Emily passed under the name of Mrs. James, her mythical husband being a commercial traveller and therefore perforce often absent from his fond wife. Toward the end of her stay there she announced that her husband had died, and assumed widow's weeds.

On 5th October, 1848, she accompanied Rush to Norwich. The remainder of her story is set forth later on and in the evidence she gave at the trial.

We shall now return to the claim made by Thomas Jermy, gardener of Upper Tooting, aged about seventy, and by his cousin, John Larnar, upon the Stanfield Hall estate, which was now strenuously supported by Rush, to the not unnatural anger of Mr. Recorder Jermy.

Meetings were held at Mylne Street; there was a voluminous correspondence; and on 3rd October the following were assembled: Thomas Jermy; the Larners, senior and junior; Rush, and Emily Sandford, who was introduced by her "uncle" as a lady of some means, who was ready to help them to secure the property which was rightly theirs. The upshot was the following agreement, which was in her handwriting:—

London, 3rd October, 1848.

Memorandum of an agreement made this 3rd day of October, 1848, between Thomas Jermy, of the parish of Upper Tooting, in Surrey, John Larnar, sen., No. 9 James' Street, Featherstone Street, City Road, London, X,<sup>10</sup> Charles Larnar, jun., in Wiltshire, on the one part; and James Blomfield Rush, of No. 2 Mylne Street, Pentonville, London, on the other part—That is to say, Thomas Jermy, John Larnar, and Charles Larnar, jun., agree for themselves, their heirs, administrators, or assigns, to let to the said James Blomfield Rush, his heirs, administrators, or assigns; and he agrees to hire all those two farms in Felmingham, Skeyton, and

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<sup>10</sup> I do not know what this signifies.

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North Walsham, in the county of Norfolk, now in the occupation of the executor of the late Mrs. Mary Rush, or, previously to that, in the occupation of Mr. John Rush, and the said James Blomfield Rush, for the term of twenty-one years, commencing from the 11th day of October, 1848, and ending 11th October, 1869, at the annual rent of £230, payable in two equal half-yearly instalments, on the 6th of April, Lady Day, and the 11th of October, Michaelmas Day, after deducting landlord's taxes and tradesmen's bills, for what the aforesaid James Blomfield Rush may think are necessary for the repairs of the dwelling-houses and farm buildings on the said estates; the aforesaid rent, after making the aforesaid deductions, to be paid to the aforesaid Thomas Jermy, John Larnar, sen., and Charles Larnar, jun., their heirs, administrators, or assigns, as they respectively come into possession of the aforesaid property. That the aforesaid James Blomfield Rush agrees, as soon as conveniently he can, after the signing of this agreement, to put Thomas Jermy into possession of the estates, and to do all he can, legally, to assist him in maintaining possession; and that, if he succeeds, that he, the said James B. Rush, is to be allowed, from the aforesaid rent as it becomes due, to reimburse himself all reasonable expenses he may incur in keeping him, the aforesaid Thomas Jermy, his heirs, and assigns, in possession; and also all reasonable expenses he, the said James Blomfield Rush, may incur, in obtaining possession of the Stanfield Hall estates, for the aforesaid parties. In witness, we, the undersigned, hereunto have set our hands, the day and year above written.

THOMAS JERMY, his  $\times$  mark.

JOHN LARNER, sen., his  $\times$  mark.

Richard Reid, *Witness*, 2 Red Bull Yard, Thames Street, City of London.

Emily Sandford,<sup>11</sup> *Witness*.

The meaning of this document was that Rush was preparing his future in case Thomas Jermy & Co. should succeed in capturing the Stanfield Hall estate from Mr. Recorder Jermy; but was that the only purport of it? Was there not a more sinister motive for procuring this document? It will be seen later that Rush tried to manufacture evidence that would get Thomas Jermy at the least suspected of being the murderer of Mr. Recorder Jermy. In pursuance of this scheme, Rush induced Jermy and Larnar, paying their expenses, to take possession of the Felmingham farm in October of this year. He tried to persuade them to remain there, but they obstinately declined, returning to London, much to his annoyance. At about this time, also, he said that he was in possession of a will, which he alleged to have been made by the late Rev. George Preston. What exactly was the content of this will? Was it genuine? Did it in any way invalidate Mr. Recorder's claim to Stanfield Hall?

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<sup>11</sup> Thus, and not "Mrs. James"!

## James B. Rush.

Rush also prepared his way in case Mr. Recorder Jermy should die. But what reason was there to suppose that he should do so? None other than I can see except that Rush had already determined to put Mr. Jermy out of his way. Unless Mr. Jermy did die, the documents with which I shall now briefly deal would have been worthless.

On 5th October, as we have seen, Emily Sandford came down, by Rush's instructions, to Norwich, and then paid a visit to Potash farm. In the evening of 10th October, Rush, Emily, and a lad named Savory, employed by Rush, drove in a gig from the farm to the Hall. Rush alone went into the house to see Mr. Jermy, but what took place at the interview is not known. Emily returned in the gig to Norwich, and there when Rush next visited her he produced the following singular documents for her to sign, of which the full story is set out in the trial.

The first purports to be an agreement between Mr. Recorder Jermy and Rush, dated the 10th October :

I agree for myself, my heirs, administrators, or assigns, to let to James Blomfield Rush, of Felmingham, his heirs, administrators, or assigns, all those two farms lately occupied by Mr. John Rush, and the said James Blomfield Rush, for the term of twelve years, from Michaelmas, 1848, at the annual rent of £300, and that a lease and counterpart thereof should be prepared, at the expense of the said James Blomfield Rush, his heirs, administrators, and assigns, with the same covenants as are now contained in the lease of the aforesaid John Rush, and James Blomfield Rush. And that a clause should be inserted in the said lease, that my son, Jermy Jermy, is to have the right of shooting over the said farm, and to have a sitting room and bed room provided for him, whenever he might require the same in the shooting season; and that he shall be boarded in the farmhouse, and pay whatever may be reasonable for the same. In witness whereof I have hereunto set my hand.

ISAAC JERMY.

JAMES BLOMFIELD RUSH.

*Witness*—Emily Sandford.

Emily's conscience pricked her for having signed as witness a document to which she had not been a witness. She wrote to Rush protesting, keeping a copy of her letter, which he angrily tore up when next he saw her. He then went further, persuading her to witness these other agreements :

An agreement made, this 10th day of October, 1848, between James Blomfield Rush on the one part, and Isaac Jermy, Esq., Recorder of Norwich, on the other part. The said Isaac Jermy agrees to let the said James B. Rush have the £5000 on the Potash estate, three years over and above

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the time mentioned in the mortgage deeds, at four per cent., computing the three years from the expiration of the ten years as mentioned in the said mortgage deeds. And the said J. B. Rush agrees to pay the interest of the same as heretofore, and to observe all the stipulations and covenants mentioned in the aforesaid mortgage deeds, and the said Isaac Jermy agrees to do the same. As witness our hands, the day and year above written.

ISAAC JERMY.

JAMES B. RUSH.

*Witness*—Emily Sandford.

and this :

It is hereby agreed to, by me, Isaac Jermy, of Stanfield Hall, that if James Blomfield Rush gives up all what papers and documents he holds, relating to the Stanfield Hall and Felmingham estates, and do all that lies in his power in maintaining and keeping me, or my heirs or assigns, in possession of the said estates, that I will give up all claim I have on him, the said James B. Rush, on the Potash estate, and will burn all the mortgage deeds I hold on the said estate, and give up the writings of the same to the said J. B. Rush, within twelve months from the date hereof, and give him a lease of the Felmingham farms for twenty-one years, on the same terms and conditions as he now holds an agreement from the present tenant, Thomas Jermy. In witness thereunto the undersigned have set their hands, this 21st<sup>12</sup> day of November, 1848.

ISAAC JERMY.

I, James Blomfield Rush, do, in consideration of the above, herewith give up all the papers and documents relating to the above estates, that can in any way affect the title of the aforesaid Isaac Jermy, and agree to do all I can to assist in maintaining and keeping possession of the said estates for the aforesaid Isaac Jermy, his heirs, or assigns.

JAMES BLOMFIELD RUSH.

*Witness*—Emily Sandford.

At the Trial evidence was given to the effect that the signatures of Isaac Jermy were not genuine.

Emily Sandford then came to live at Potash with Rush as his mistress.

Two extracts from letters written by Rush to Jermy some months previous shed a curious light on the mentality of the former ; how far the statements made and the sentiments expressed are genuine—who knows ?

*To Isaac Jermy, Esq.*

Sir,—I have told you before I was loth to take steps for taking your estates away from you—your giving my mother notice to quit the Felmingham farms has broken all ties between us. That was occasioned by the fatherly care and kindness I always experienced from your father, and my

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<sup>12</sup> This date is strange !

## James B. Rush.

first step towards ousting you from the home he so much honoured is to have the enclosed pamphlet printed, which I hope will, in some measure, set matters right, as far as public opinion goes, and I expect, unless I am very much mistaken, you will have enough law on your hands for some time to come to make ample compensation for the £420<sup>13</sup> damages you have got against me, and will satisfy you for all trouble and expenses in serving the aforesaid notice. I tell you candidly, it shall not be my fault (now once I have begun) if you have not. I send you this without the least expectation it will lead to an amicable adjustment of matters between you and my mother, but I thought, in memory to my dear old friend and benefactor, I would give you one more chance before I publish the enclosed pamphlet.<sup>1</sup> . . .

*To Isaac Jermy, Esq.*

Sir,—. . . I have nine children. You have completely ruined me, as far as my own property goes. If you think I shall not take steps to ruin you and your family, you never were more deceived in your life. *You do not know* me yet; hitherto I have done nothing but what I have told you of, but, unless you answer this letter satisfactorily, nothing on earth shall prevent my treading in your steps, and paying you off in the same most villainous and base coin as you have me; but don't take this letter in the wrong light, for you may believe me when I tell you, that such is my weak and foolish way of looking at what has taken place, that, after bringing your dear old father in my mind's eye, I feel as great reluctance to commence hostilities against you, as if you had never wronged me in the way you have; and I do believe, if you were now to propose fair and reasonable terms to what I have before mentioned, I could go on as if nothing had ever gone wrong with us. I have repeatedly been blamed for such leaning towards your family, and I know I am very foolish and wrong, for the sake of my family, for so doing; and it has been in a great measure the means of leading me wrong in the steps I have hitherto taken, particularly in 1838 and again last Michaelmas. I was persuaded over and over again to let Jermy, who claims the estates, go down into Norfolk with his family, and go into the house at Stanfield when I quitted, and keep possession, and was assured of everything that was bad, by them and those who gave me the advice for not letting them, but, as I said, there was that foolish hankering after you, by associations and transactions with my dear old friend and benefactor, that I could not make up my mind to do so; for, although it turned out he did not do me any good, it was not his fault, and I am quite sure no one ever had my interest at heart more than he had; and I am sure, if he could have told what would have taken place, or had the least idea of it, I should have been well protected from anything you or any one else could have done, to have brought me to the state you have, for I will defy you, or any one else, to say that I ever asked him for a favour in my life, but it was granted; and when I consider the hundreds of happy hours I have spent

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<sup>13</sup> See next page.

<sup>1</sup> For this pamphlet, see next page.

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in his company, and the hundreds of miles we have so pleasantly travelled together, I could almost say to you—do as you like, and behave as bad as you can, I cannot do anything against a son of his, for, although you might think him *eccentric* (which, no doubt, he was) and his conduct not as you could have wished towards you, I can say, no father ever had his son's interest more at heart than he had yours, therefore, for his sake, think of my children and my dear, dear mother, and do not let me lose every tie that still links my best wishes for your family's welfare, for, if you do, God only knows what will be the consequences, . . .

### VIII.

There can scarcely ever have been a more intricate story than this. A reference to the table of leading dates and the reading of the Trial will I trust make all clear. Even if my narrative is sometimes obscure, the main point will, I hope, be secured, namely, a clear portrait of the man Rush.

In 1847-48 Mr. Jermy was residing at Great Yarmouth, but kept a watchful eye upon Rush, with whose proceedings he was far from satisfied. In October of the first-named year, the rent for the Stanfield Hall farm being badly in arrears, Mr. Jermy put in a distress, and Rush, being ejected, went to live at Potash farm. He was also in trouble at Felmingham somewhat later. At the Lent Assizes, 1848, at Norwich, Mr. Jermy brought an action against Rush for breach of contracts. This procedure and the verdict that was given against him, seems to have driven Rush to an unrighteous fury, which he exhibited by publishing a pamphlet entitled, "Report of, and Comments on, a Trial at Norwich Assizes, March, 1848, for Breaches of Covenant, said to be Committed by J. B. Rush, and a case, *Jermy v. Jermy*, or who is the Rightful Owner of Stanfield Hall and Felmingham Estates."<sup>2</sup>

Many passages in this amazing production were singularly rancorous, and it is matter for some conjecture that Mr. Jermy did not take any action against Rush for the publication.

In reference to Mr. Jermy's possession of Stanfield Hall there was this :

This fellow, Jermy, has no right to this Stanfield property; he knows it, and he knows I know it as well; his whole conduct in keeping possession and taking the name of Jermy, and his behaviour to those poor people who have a right to it, has been most villainous, and disgraceful to any man who can have any pretension to respectability, and which I

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<sup>2</sup> See Appendix V., p. 254.

## James B. Rush.

should be most happy to prove when called on to do so; all of which would probably never have been brought to light, if this fellow had only acted with common honesty, for I should not have taken the trouble to have gone over the multiplicity of papers that has been put into my hands on the subject; but I have now done so, and in concluding the account of the trial will follow a case drawn up so as to show who is the real owner of the Stanfield estate, and the means this fellow has taken to keep the real owner out of possession. Why I have published it is, that some one who has money may come forward and see that justice may be done to this Mr. Jermy, who is the owner, and who is kept out of possession for want of the means to employ counsel, and to have the matter brought to trial. I have got lots of other documents that could be referred to, and perhaps some of them are of more importance than those mentioned in the case, as I am not lawyer enough to know this; but I am quite sure that the case, as I have got it out, is a good one, without any other, and I do hope some one will come forward and oust this fellow, who has not half so much right to the property as I have, much more the right heir, if it was properly brought forward.

Among other vitriolically malignant passages are these:

For even if the villain had behaved as he ought to have done, to have acted with common honesty, I should never have done much good; not half so much as I should, if I had remained at Dalling.

And this is no reason why I should be ruined in character by this villain, as well as my property being all swallowed up by him.

and

If there is any truth in the Bible, such villainy is sure to be overtaken, and that when it may be least expected.

When in London, in April, 1848, Rush wrote to his son, of which letter a part follows:

My Dear James,—. . .

I have at last got Jermy in a fix, and the rogue and villain knows it as well. How he will act now will soon be seen; at all events he now knows if he ruins me, I can him, or you would not have seen him as you have; but I do not want you to let any one know this, except your wife and her aunt. After their kindness and faithfulness to you, you ought to have no secrets from them. . . .—Yours faithfully,

J. B. RUSH.

Angel Inn, Islington, 28th April, 1848.

## IX.

Fortunately, it is not necessary to follow in detail the vagaries and muddlements of Rush's financial transactions. They culminated in a petition for bankruptcy, and a certificate was granted

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him. In this connection it is sufficient to quote the information given by him to his solicitor :

Memorandum, made 5th May, 1848.—Can make myself a bankrupt, and, by so doing, shall be free for a fortnight, at least, from any steps that can be taken against me by Salter and any other creditor who I am indebted to; and, if any arrangement cannot then be come to with my creditors, can, without a statement to show I have no property myself, I can get passed through the Court of Bankruptcy in about six weeks from this time, at an expense of about eighty pounds—and, if an agreement can be come to with my creditors without having a meeting at the end of the fortnight, that the expense will not be more than about forty or fifty pounds. And that the above can be done without, in any way having my mother questioned or called to account relating to her property. And that I can also prevent any one selling Potash, unless subject to the mortgage my mother holds on it; and also subject to her holding the same as tenant till Michaelmas next; and also, without her being in any way annoyed by any one for her holding the two Felmingham farms, or in any way being called in question to what took place in the settlement with my creditors.

The above is a memorandum of the information Mr. Waugh<sup>3</sup> gave me before I made myself a bankrupt. I wrote it down and read it over to him, and he said it was perfectly correct.

Further details are presented in Appendix iii., p. 240.

### X.

The situation in November, 1848, may be summed up thus :

- (a) Pecuniarily Rush was *in extremis*.
- (b) He would shortly have to pay his landlord the mortgage on Potash farm, &c., a sum which he could not possibly raise.
- (c) He possessed documents from Thomas Jermy and John Larnier, which if they should succeed in their claim to the Stanfield Hall and Felmingham estates would establish him again in security.
- (d) He hated Mr. Jermy.
- (e) Also, he held the forged agreements between Mr. Jermy and himself, which would be valueless unless the former died within a few days.

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<sup>3</sup> His solicitor.

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## XI.

Potash farm was scarcely a romantic habitation for the loves of Mr. James Blomfield Rush and Miss Emily Sandford. A somewhat dreary-looking place. The house stood—still stands—close to a byway which leads into the Wymondham Road, and is no more than seven furlongs distant from Stanfield Hall. It was a fair-sized brick building; in front a porch gave on to a passage on either side of which were apartments; above these were the bedrooms.<sup>4</sup> There was a small garden in front, and in the rear malt-houses, stables, sheds, and various offices. None of the rooms was of any great size, a few of them being papered and the floors painted, the remainder bleakly whitewashed. Rush retained the best accommodation, that in the front of the house, for himself and his mistress, and they alone used the front door, the servants and other members of the family gaining entrance through the back doors, which opened on the farmyard. Bolts and bars secured the privacy of the more or less happy couple. They occupied two bedrooms over the dining-room or parlour. In his bedroom was a large closet, of which we shall hear much, and at each side of the dining-room fireplace was a recess fitted with a closet.

## XII.

A brief description of the events of the night of 28th November, 1848, will suffice, as the story of the murders can be followed in the Trial, where often the evidence of the witnesses is vivid and dramatic. Indeed I do not think I can do better than to quote freely from Mr. A. D. Bayne's pamphlet, "The Stanfield Tragedy":

During the latter part of November, Rush had been in the habit of going out at night, and returning late, pretending to be on the look-out for poachers. On Friday night, 24th November, and on Monday night, the 27th, he went out. He had procured a family ticket for Madame Dulcken's Concert, to be given in Norwich on the following night. On the Monday Mr. Rush, junior, and his wife, went to Felmingham, and the female servant also left the house, so that the only persons remaining were Rush, Emily Sandford, and a lad named Savory. A charwoman came on the Tuesday morning, did her work, and went away again. During the afternoon of that day Rush was out, and at the Ketteringham gate

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<sup>4</sup> See plan opposite p. 87.

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he met a young woman, named Cooper, and inquired whether Mr. Jermy was at home. She having answered in the affirmative, he went across the fields to the Stanfield gate. On the same day a boy, by his orders, littered down a quantity of straw from the homestead to the fields towards Stanfield Hall. A portion of the path which had never before been littered with straw was then littered by Rush's direction; and the straw ceased where the green sward began, so that he could walk from his house towards Mr. Jermy's mansion, without any danger of his footsteps being traced.

Rush returned home about five o'clock, and asked when the dinner would be ready. Emily Sandford said it would soon be ready; and he said, "There is just time for me to go into the garden and fire off my gun"; and he accordingly went into the garden and discharged his gun, and then went in to dinner. At half-past five they sat down to tea, alone in the house. They had been sitting at tea, when Emily Sandford observed him to be a good deal agitated; and he said, in answer to her inquiry, "I have been thinking a good deal about the story we read the other day of the Scottish chief, where he said, he lay upon his back, and saw a spider, which had suspended itself from the ceiling, swinging itself with a view apparently of reaching a beam. The insect tried six times, and succeeded the seventh; and then said the Scottish chief, 'I have tried six times; and as the insect tried six times, and succeeded the seventh, I also shall succeed.'" He said, "I have tried several times: I think I have tried five or six times, and the next time, perhaps, I shall be successful." Emily Sandford expressed her alarm—"What can this mean! it must be something more than poachers." He had stated that he had been out after poachers, and he said, "I should like you better if you don't ask me why," or words to that effect. She observed him to be extremely agitated, and at that time supposed him to be in tears. Tea was over, and he left the room, and went upstairs to his bedroom. He came from his bedroom, and went out, some time between seven and eight o'clock. She heard him go out, but nobody saw him leave the house. He had put on a disguise, armed himself with either guns or pistols, and enveloped himself in a large cloak. He no doubt proceeded by the nearest route to the hall.

The night was dark and windy, and therefore well suited for a murderer's purpose. . . .

Soon after eight o'clock, the late Mr. Jermy's dinner being over, he was sitting alone in the dining-room. Mr. Jermy, jun., and his wife had retired to the drawing-room; they were about to partake of tea, and to amuse themselves by a game at picquet, the cards being on the table. Mr. Jermy was in the habit of going outside the hall after dinner, and on this evening he left the dining-room and proceeded to the porch in front of the mansion. Rush, who knew Mr. Jermy's habits and expected him to come out, was standing near the porch, resolved upon murder. As soon as Mr. Jermy reached the porch Rush presented a gun, or pistol, loaded with slugs, to his breast, fired, and shot him through the heart. He fell down backwards and instantly expired. Rush immediately went to the side door, entered and proceeded along the passages leading to the

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staircase hall, dropping two papers on the floor. He passed close to the butler, who, affrighted at the appearance of an armed man in disguise, retired to his pantry. He passed on to the door opening into the staircase hall. Mr. Jermy, jun., who had heard the report of the pistol, was proceeding to the same door, and was about to pass through the doorway on one side, while the armed man was going into the hall from the other side. They met; Rush drew back, and presented the gun or pistol to young Mr. Jermy's breast, fired, and he also fell down dead in the hall. The murderer passed on into the dining-room, no doubt with the intention of exterminating the whole family. Mrs. Jermy, still in the drawing-room, on hearing the second report, immediately went into the hall, and passed over the dead body of her husband. Eliza Chastney, one of the female servants, on hearing her mistress screaming for help ran up to her, and holding her by the waist, cried out, "My dear mistress, what is the matter?" At this moment Rush came out of the dining-room, and, seeing the two females opposite him in the recess, he levelled his weapon, fired twice, and wounded the servant in the leg and Mrs. Jermy in the arm; they both fell. The murderer then made his escape by the side door; leaving death, misery, and woe in that mansion which only a few minutes before was the scene of happiness. . . .

. . . A telegraphic message was sent to Norwich for the police, and soon after a number of armed constables started off in conveyances to the hall. Mr. Yarrington, the superintendent of police, caused telegraphic messages to be transmitted along every railway in the kingdom, and gave a description of Rush; a curious fact, as no intelligence had then reached Norwich as to who was suspected.

In the meantime the scene at Stanfield Hall was one of utter dismay. The cook had fled to the coach-house with Miss Jermy. The butler had rushed to Mr. Gower's, another farmer, for assistance. The maidservants were conveying their wounded mistress upstairs. Eliza Chastney was lying wounded upon the ground. Mr. Jermy, sen., was lying dead in the porch of his own house, everybody being then uncertain as to his fate. Mr. Skoulding, a surgeon, arrived in a gig, and by the light of the lamps saw the dead body of Mr. Jermy lying in the porch. As they were removing the body into the drawing-room the blood poured out of the wound all along from the porch to the room. The dead body of Mr. Jermy, jun., was removed into the same room, and they were laid side by side upon the carpet. Upon examination of the bodies, it was found that Mr. Jermy's wound was on his left breast, large and bleeding profusely, the clothes being singed, a proof of the close proximity of the assassin to his victim. The wound of Mr. Jermy, jun., exhibited only a small perforation on the right breast. Mr. Cann, a magistrate living at Wymondham, and other gentlemen, as soon as they received information proceeded to the hall; notices were sent to the county police as well as to Norwich; and a telegraphic message was transmitted to the city for Mr. Nichols, the family surgeon, who soon afterwards arrived.

### XIII.

It is scarcely necessary to say that suspicion at once turned toward Rush, whom several of the servants at the Hall declared

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that they had recognised. When the Norwich police arrived, some time between one and two o'clock in the morning, they were ordered, without delay, to go to Potash farm, which by road is somewhat over a mile distant. The house was surrounded; a careful watch kept; then near daybreak a light was seen in Rush's bedroom. The boy Savory was sent to tell him that he was "wanted." He came to the door, was immediately seized, and shortly afterwards taken to Wymondham Bridewell.

To deal with the events of the next few weeks would not help to an understanding of the character of Rush or to the following of the Trial. But it is well to bear in mind that Rush had undoubtedly tried to build up evidence which would incriminate Thomas Jermy and Larner; it was, however, of so simple and flimsy a character that it stood him in no stead, rather it told against him. Among the evidence he manufactured was this, a paper that he dropped in the Hall, which read thus:

There are seven of us here, three of us outside, and four inside the hall, all armed as you see us two. If any of you servants offer to leave the premises or to follow, you will be shot dead. Therefore, all of you keep in the servants' hall, and you nor any one else will take any harm, for we are only come to take of the Stanfield Hall property.—Thomas Jermy, the owner.

It is incomprehensible how Rush can have believed that any one could fall into so obvious a trap! No one did. It is a small but curious point of omission, that this Jermy made his X to the documents which he gave to Rush, and to this he signed his name! This paper is very fully dealt with in the Trial.

The inquest was held at Wymondham, and the verdict returned was of wilful murder against James Blomfield Rush. Rush's bearing up to and during his Trial was one which can only be described as sheer truculence.

### XIV.

The case was tried at the Spring Assizes, which opened at Norwich on Monday, 26th March, 1849.

On the Wednesday afternoon the grand jury found true bills against Rush for the murder of Isaac Jermy, and his son, Isaac Jermy Jermy.

Here are two documents which will be helpful.

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The first is a voluntary statement made by Emily Sandford to Mr. J. S. Cann, solicitor for the prosecution :

February 13th, 1849.

Feeling it to be an undeniable and sacred duty I owe to my God and man, I endeavour, at different periods, to put down all that occurs in my memory relating to that too horrible tragedy, which took place the 28th of November last, and of which unfortunately I became, as it were, a witness from my detestable connection with that poor wretched man, Mr. Rush. At the time of my examination, from the very distracted and confused state of my mind, it was quite impossible to recollect, in a more concise way, what did exactly occur then. I will begin at the 27th, Monday, and put the events down now, being, to the best of my recollection, correct. Monday, 27th, Mr. Rush and myself moved down into the parlour, with the intention of occupying it for the week, to air the furniture, &c. Towards noon, I was surprised to hear Mr. Rush had given one family ticket (of five) for the concert, to James and his wife; on asking him the reason, he said he would give James and his wife a treat, as James had been doing rather better of late, and that we (Rush and myself) could go by ourselves, and join the children, at the White Hart, to supper, in Norwich, after the concert. Between three and four o'clock in the afternoon, James Rush, jun., brought into our room some bread and butter, to last until the following Thursday, as he told me they should not return until that time, and if I wanted anything else out of the pantry I was then to name it, as they locked their part of the house up. They soon after started for Felmingham. I was about to ring the parlour bell, when Mr. Rush asked what I wanted; I replied—the girl, to bring in some coals, when he told me she had just left also, and was not coming back until her mistress did. On complaining at no servant being in the house, he said, I should have the charwoman (Mrs. Payne) to-morrow morning, Tuesday, to do what was to be done. The girl had cleaned Mr. Rush's bedroom, and laid in a fire without lighting it, by my orders, that morning. We had tea about half-past five or six; a short time after it, Mr. Rush said he should go out again, but as it was my birthday he would not be long. He went upstairs, and was there, I think, about a quarter of an hour or twenty minutes. I was in the parlour, putting away the tea things, and had sat down to the piano before he came downstairs; while playing he came down; on going out he called to me to fasten the bolt. I did not see him go out, though I got up soon to do as he told me. I went upstairs to see if the candle was out in his room; it was out, in the grate. On leaving his room I saw his purse and watch on the wash-stand. Previous to his going out other nights he used to give me his purse, but that night he did not do so. I left them where I saw them, and came down again to the piano, and practised about two hours, when I heard him return, by knocking at the (as I fancied) window. I went to undo the bolt, and asked who was there. He replied only me. I undid the bolt, but did not see him come in, having returned to the room. He went upstairs in the dark, though I asked him if he would not have a light from where I was (the parlour); while he was upstairs I laid the supper, as he said before going out he should have a glass of wine



James Blomfield Rush on Trial.  
(Teignmouth Shore Collection.)



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to drink my health when he returned. He came down, but went up again to draw the cork with the ramrod of his gun. After supper we had some music; he accompanied me in a song, and went to bed, I think, about ten o'clock. We were sleeping that night in the end room, as there was no fire in his. This is all that transpired on that day, Monday. Tuesday, 28th, the woman came in the morning, and prepared the parlour for us. I suppose Mr. Rush let her in, as he was first down. I was in all day preparing for the concert that evening, as we were to go about six from Potash. Mr. Rush said he would come in to dinner about two o'clock. The woman stayed I think until twelve o'clock. I laid the cloth for dinner, when Mr. R. came in, and asked how long before it would be ready. I replied in five minutes. He then said, "Oh, there is just time for me to fire off my gun," and went upstairs for it, brought it down, fired it off in the garden, and took it up into his room again. We sat down to dinner; when it was over he told me to put some water on to boil, as he should then go up and shave, instead of the evening, as James being from home he was obliged to look after the men until six, when they left work, and should not have time to do it. I did as he told me, he going upstairs. I do not recollect whether he came down for the water, or I took it up, but I know I went up to his room to get a clean shirt to air against the evening. I had previously to dinner been up to his room to get it, but found the door locked; he kept it locked, I think, all that day. When I found his door fastened he asked what I wanted. I told him. He undid the door. I went in and got a shirt. I observed the shutter up, but concluded it was against our coming home from the concert. I am not quite sure, but I think there was the remainder of a fire in his room, but I will not be certain on that point, or yet about taking his hot water up. I fancy I took it up, because he would not let me in the first time I went up, but gave me his best trousers to brush at the door, which I took down, and brushed both his coat and trousers. He then came down, and said he should come home precisely at six, and I must have tea ready. It was about five, and I went up to prepare for the concert, which I partly did, and ran down to get the tea, &c. At this time Mr. Rush returned, and saw I was all ready excepting my silk dress, which I told him I should put on at Norwich, if there in time. He made no remark, but sat down to tea. I saw there was something the matter with him, as he continued to fix his eyes on me in a very strange manner. I asked if he was unwell. He then, during tea, let out by degrees that he could not go to the concert, as he did not feel well, but if I felt much disappointed he would still go, though it was rather late. I, of course, on seeing he was unwell, did not press going, though I did feel much disappointed. We had a long conversation about the concert, and planned going to the morning concert on the following morning. He again was silent, and sat looking at me again in that strange way. I asked why he looked at me so. I observed tears rolling down his cheeks. His answer was come and kiss me, and while standing by his side, he said it was a great shame to be so disappointed, for he knew I contemplated going very much. We talked a great deal, when all at once he said, "I shall just go out again to-night where I did last." I remonstrated with him for doing so, but he said he should only have two or three more times

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to go out, when he should, he hoped, succeed, and asked how often he had already been out. I replied five or six times, when he called my recollection to an anecdote in the history of Scotland, where one of the Chiefs sat looking, after being frequently conquered, at a spider springing from the wall. I believe it had made six attempts without succeeding, and appeared to again try for it, when the Scottish Chieftain remarked that if the insect should succeed this time, I will again rally my men. So Mr. Rush said he believed it to be the seventh time with him also, and as the spider did succeed this last time, so, in like manner, he thought he should succeed, and that he should not be long gone. It was then I said I was sure there was something more than poachers to make him go out night after night in the way he did. After saying a few words he said, "Well, then, there is something I go out for besides those poachers," but he would like me all the better if I would not now seek to know more, but that he promised faithfully to tell me what it was before long. He then went upstairs as usual before going out, and did as I before stated to the Magistrates and Coroner. I think I can recollect more minutely what transpired after his return than I did then, also as to what took place during the night. I did not see him before going upstairs, on his return, though he spoke to me as he was passing up. I feel sure, from the sound, he had shoes or boots on. On going to bed I went as usual to his room, and first, as he met me at the door, he said, "Come in here," and I did go about a yard into his room, and then he said, "No, go into your own room," and came towards me, as if to prevent me going further into the room, when I think I was just going to sit down on a chair which was near the door. I asked him which room I must sleep in; he said, in a hurried manner, "Your own, to be sure, but stop, I suppose you want your dress undone." It was then I saw his fire had been lighted, and burning up very brightly. He must have lit it since returning home, as I had occasion to go upstairs just after he went out, and it was not then lighted. I saw nothing different in his room from other nights of his going out in the same way. He was, as I have stated, very much agitated, from the time I saw him downstairs until then, but I attributed it to his really having an affray with poachers, or with some one else, but never dreamt of so horrible a crime being perpetrated. I then went into my own room. I think he said, put out your light as soon as you can, but I will not be sure, though, at times I fancy he did say so. I fastened my door, and also heard his fastened, but soon after I heard him come out and go down as I stated. I forgot to state he gave me his purse before going out that evening (Tuesday). I recollect, when he came into my room in the night, something he said about his hat and the lining of it, but what I find it totally impossible to remember, but that he mentioned his hat and lining I am confident of, as I know, on turning it over in my mind, it took place when leaving my room the second time, that is after bringing his greatcoat on my bed. There were many things he said that night which, from my alarm at his visit, and his random way of talking, I cannot call to mind more, with the exception of something he said about his poor mother and children being ruined, and that we should never be parted any more on this earth; that I had never done anything wrong, and God was sure to bless me; and that we must start immediately after break-

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fast for Norwich, and spend the day there. I think it was, as near as I am able to guess, about half-past two or three in the morning when he came into my room. I did not sleep sound, as my mind was much agitated as to what had happened the previous evening. I recollect asking him if he had been into bed—"Oh yes, and to sleep." This is all I can recollect, besides what I stated before in my evidence, of that night. I have repeatedly seen those boots, which are missing, drying by the fire in Mr. Rush's bedroom. On one occasion I recollect asking him, on seeing him scraping the mud off, if they should go down to be cleaned properly. He said no, I had rather they did not go down, I can just as well clean them myself. I have seen him take them from his closet before putting them inside the fender to dry. I concluded it was from the unpleasant feeling that existed with young Mr. Rush and his wife that they were not to go down to be cleaned. I particularly remember, now, Mr. Rush's conduct on the Friday before that dreadful Tuesday. I recollect Mr. Rush telling me to get the tea ready as soon as I could, after he had been looking out of the passage window, which was opposite his room door, for some moments, saying it was just the night for the rascals, meaning, as I thought, the poachers, as he had that morning seen a fresh stake driven in the ground. He had been writing some letters for the post during the afternoon, as I cut out several envelopes for him just before tea. We sat down to partake of it, I think, about six o'clock, when Mr. Rush said, he thought a little gin in his tea would relieve the pain he felt. I asked if I should get the brandy, the cholera being about, I told him that would be better than gin, when he replied he would rather have gin, and rose to get it out of his closet. We were that week occupying his bedroom as a sitting room. He poured some gin in his cup, and offered me some; he then put the bottle to his mouth and drank some, I cannot say how much, which very much surprised me, knowing him to be a most abstemious man in that respect. Jokingly I said, why you must be mad to drink raw spirits in that way, he replied, as he had to go out it would help to keep the cold out. He then put the gin away and finished tea, when he went downstairs to tell James to take the letters to the post, and came up almost immediately after. I, at the time, had just begun to remove the tea-things, when he said, never mind them now as you can do that after I am gone, telling me to go into my own room. I went, taking a candle with me. Soon after going into my room he called and told me to put my light out, and let him know when James drove by to Wymondham, when he shut his door, and, from the sound I should say, locked it. I sat in the dark listening for the gig to pass, when, in eight or ten minutes, I heard it and called from my room door to tell him, when he replied, "Very well," when I went into my room, after shutting the door, where I sat, I think, full a quarter of an hour before I heard him go down, when, as soon as I heard the passage door upstairs shut I went into his room. I did not observe anything particular in it different to what it was before going out, except his coat and waistcoat being on the bed, and a great deal of silver coin, with his watch on the dressing table, which I spread a handkerchief over, when I then finished putting away the tea-things; after which I sat to read the Scottish History Mr. Rush had brought home from London the Monday previous.

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I read for some time, when I looked at my watch and found it after ten. He had not yet returned. I resumed my book; after reading for about three-quarters of an hour I put it down again, as I became very uneasy at Mr. Rush's absence, and walked up and down his room several times, wondering what had detained him, being afraid lest he had encountered the poachers, and was injured. Some time had now elapsed when I again looked at my watch, and found it was nearly half-past eleven. I became extremely anxious, not knowing what to infer or do, when I heard the front door open, and him ascending the stairs. He opened the passage door and said, where are you? I replied here in your room, he said, still keeping outside the passage door, just step into your own a moment. I did so, and was there some time, I should think nearly twenty minutes, when he opened his and said, are you not coming in? When, on going in, I found him already in bed. He appeared very strange, what I thought rather tipsy. I said this comes of your taking that gin. He did not seem to notice me for a time, when he said, ah! I was a great fool for drinking it, I'll take care I don't touch gin any more, but make haste into bed. I answered no, I will make you a strong cup of tea, when you will be better. He fell asleep. I put the kettle on to boil, and observed those boots and stockings inside the fender drying, they were both very muddy and wet. I made sure he must have fallen asleep in some wet place. It was nearly two in the morning when he awoke to drink the tea. I then got into bed. After some time he jumped up. I asked what was the matter. He said he was afraid he had lost something he had in his pockets, and got out to look for it. I asked what it was, he said my keys. I am not sure, but I think he said papers also, but I cannot sufficiently recollect. He found the keys under my side of the bed, and then went to his closet, what for I do not know, but he came out soon and said it was all right, he had not lost anything, and got into bed again. We rose rather early in the morning, as he was going to Felmingham. He was still very unwell. . . .

EMILY SANDFORD.

Despite urgent advice to the contrary, Rush determined to conduct his own defence, and among his papers after his death was found a lengthy letter written but never sent to Messrs. Tillett, Colman & Mendham, his advisers. It here follows:—

Norwich, 18th January, 1849.

GENTLEMEN—I want your advice on the following information, and I give it you in the strictest confidence. You will none of you, either by word or deed, allow any one to suspect you have received the same, *particularly as relates to the things hid up in the shed or yard*. A person, who is known to me by the name of Joe, told me a day or two before Friday, the 24th November, that he and the lawyer would come to Potash and speak to me on Friday night, about eight o'clock, as they had made up their minds to take possession of Stanfield Hall, as they did a few years ago, with all the help they could muster, either on Saturday or

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Monday, and the lawyer would like to hear once more what I thought about it. I said, very well; I can tell him what I still think, but it is the same as I told him before; but you must not come into the house, for if you were seen to have been at Potash, and did not succeed at the Hall, I should be sure to be suspected from the way we had been living for the last eighteen months. He said they did not intend to be seen, and wished me to speak to them on the road. I said, No; if you come into the garden in front of the house, and if wet, go into the garden house, at the end of the house, I will speak to you. I shall see you go into the garden, if you come about that time. I went out that night, and had a look round by my plantation before they came, to see if there were any poachers, and was in the orchard when I saw them go into the garden; I soon followed them into the garden, and they came out of the house, and we went into the field where the stacks are, and stood by one of the stacks, and the lawyer asked me what I thought now of the undertaking. I told him I thought it a very dangerous one, and particularly if attempted with violence, and without plenty of help. He said he did not think so. He then said that he and seven or eight of the others thought differently, *and had made up their minds to meet there that night, and see what could be done.* I said you will do something to be spoken of, and then you will repent of it, take my word, the same as they did when they were there before and took possession. He said, Nonsense; no one dare to have broke the doors open then, if they had not undone them, and he was sure the soldiers dare not have interfered with them. I said, you ought to know best, but I think differently. I said, I do not see the least fear, if they do not use violence, and I can depend on all except one or two who were completely ruined by Jermy when they took possession a few years back, but Joe says he can manage them, and if the servants could be kept from giving the alarm they should have every thing their own way till the morning, when the others would be all there early to assist them. He then said it was getting near the time they were to meet them; you might show us the way cross your lands to the Hall. Joe said there was no occasion for that, as he knew the way as well as I did, for he had been across the fields two or three times lately, and they then left me and went down the loke the way to the Hall. I followed them at a distance, and heard them get over the ditch that parted the Potash lands from the Stanfield Hall lands, and I went as far as that fence to hear if I could what they were after, and if they made any attempt. I waited there all two hours. I heard nothing more of them, and when I got back to Potash it was nearly eleven o'clock. I never heard any more of them till Joe came past Potash on Tuesday, the 28th November, in the forenoon, as he said to ask me once more if I would allow the men on the farm to go with them the next morning, or that evening; that if they once got Jermy's people out they should have plenty of help, so as Jermy could not get possession again, as he did before, and the men from Potash would not want to stop more than half an hour. I told him I would not, and had told them so all the way through, and from what I said on Friday night they ought not to expect it, and that was one

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reason I was then at Potash, that they might not induce my son to join them to get himself into trouble, *the same as so many did before when they went*. He said if I would not, they had wholly made up their minds to do so without their help, either that evening or the next morning, but he thought the majority thought it best, as I did, to make the attempt in the morning, or at least they could have five times the quantity come in the morning to what they could in the evening, but he and six or seven besides the lawyer thought it much safest to come in the evening, for there was more dependence on them seven or eight (for the lawyer would not go near till they had got possession) than there would be in seventy or eighty in the morning, and there would not be half the hubbub made in getting there, and the others would be sure to be there early in the morning. I said, well you must know best; why were they not there on Friday night as you expected. He said, they were there, but there were people walking about in the lawn, and they were fearful of being discovered, and had not wholly made up their minds how to act if they did go, so they went back. We came through your yards after waiting there all three hours, and through the wood, cross to Braconash, and for Mulbarton Common, and so home that way. I said, well you must know best, but I still think your coming in the night is not right, and I think you will find it out when it is too late. He said if we come in the evening I and the lawyer will call and let you know how we are going to proceed. I said it is no use your calling, I shall not be at home, and besides I had rather hear nothing about it, particularly if you make the attempt in the night. I shall hear how you get on in the morning, but be ruled by me and at all events if you do anything wait till the morning. He then left me, and I thought a great deal about it that day, and had a sort of presentiment all would not turn out well, although I then did not see the least fear anything very serious would take place if they did make the attempt. I left Potash about eight or half-past, and thought I would go as far as my lands went and hear if I could hear anything of them, and even had some thoughts of going to the Hall, but on going along made up my mind not to go near, for I thought after what I had said they would not come till the morning, if then. When I got to the fence adjoining the Stanfield Hall lands I waited there about five minutes, and was thinking I would get back again as I really felt very ill. I distinctly heard the report of a gun or pistol in a direct line for the Hall. I heard two more but not so loud. I was struck with amazement, *as they had always said if they took fire arms with them it would only be to intimidate, and they would not load them*. I then heard the bell at the Hall ring violently, and I got back to Potash as quick as I could, and went through the garden into the house, and as soon as Miss Sandford was into her room, I went down in my slip shoes and took my outside dress and my boots I had been in the habit of wearing when I went out in the night after poachers and did not wish to be recognised, and *hid them up in the muck in the shed in the yard by the dairy window*. Just as I had done so I saw some one in the next yard looking at me. I ran in as quick as I could, expecting every minute to hear some one at the

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door. I looked out of the window some little time after. I found no one came. I wholly concluded it must be Joe or some of his party come that way back, as they said they did on Friday night; and from what the lawyer told me on Friday night, about one or two of them having been completely ruined by Mr. Jermy when they took possession of the Hall before, I was fearful the worst consequences might have happened. The lawyer, as they called him, and he (himself) said he was one, appeared to be well dressed, and was as far as I could see in no ways disguised, and used very good and gentlemanly language; nor did I see that Joe was disguised. On the Friday night I had seen Joe past Potash twice, and had seen him at Norwich several times, and he had every appearance of being a porter, always having had a parcel with him in the street. Dick I have seen with a basket of meat once or twice, and twice leading a horse as if he was a helper in a stable. I have also seen them together once or twice, and always when I have seen them in Norwich has been at the back of the market, either as I have been going from the Swan way to St. Giles', or from St. Giles' to the Swan way, except once I saw Joe standing by the door of a public house, just by Magdalen Gates. The lawyer I never saw only twice, once I have told you when he came to speak to me at Potash on the Friday before the murder, the other time he and Joe, and him they called Dick, all came past Potash and stopped talking with me for more than half an hour on the Road, and tried to persuade me to let the men of the Potash Farm go with them for them to take possession of Stanfield Hall as they had done once before; that they were promised plenty of help as well the next day, if I would consent. But I then told them I was decidedly against such course, and I never heard any more from that time, which was in October or the latter part of September—I can't say which—except once I saw Joe and Dick at Norwich, and they asked me if I had not altered my mind, and I told them no, till Joe told me of his and the lawyer being coming down to speak to me on Friday, as I have before told you of. This, Gentlemen, is how I came to think something serious had happened at Stanfield Hall on the night of the murder, and I wish to hear your opinion as to how I ought to proceed—it is *most material that those things should not be discovered till after the evidence is all given against me*, because that outside dress will completely clear me as not being the person seen in the Hall the night of the murder, and yet it is almost as important that the parties I have described, should be made out (which I have no doubt can be done), but let me have your opinion about it, and waiting your reply,

I am, Gentlemen, your most humble and obedient servant,

JAMES B. RUSH.

From this statement it will be seen what line Rush had determined to pursue in his defence, and it throws a light upon many of his questions to witnesses, which otherwise appear purposeless. Also, it explains the aim of the extraordinary document he dropped in the Hall on the night of the murder. Rush made the common

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mistake of putting forward assertions which he was unable to support by evidence. It is scarcely necessary to say that the mythical foe and the nameless lawyer were not forthcoming.

It will also assist to an understanding of his character to quote at some length passages from "An Introductory Narrative," covering his conduct in prison before and after the Trial:

It has been said that Rush's character was a consistent one. And so it was, in trickery and duplicity, which constantly led him into contradictions. Whatever object he had in view, he never went directly to the point; but always took some tortuous course to obtain his ends. Whilst in prison he was a perpetual torment to all around him. He could not proceed one step without deceit. If he asked for some admissible indulgence, it was for the sake of contending for something further that could not be granted. The utmost vigilance and tact were required to guard against his duplicity and art; and too much praise cannot be given to Mr. Pinson<sup>5</sup> for his constant watchful care to defeat his manœuvres, and to keep aloof from coming into open collision with him.

As he was the most deceitful, so he was the most suspicious of men. He had a mean opinion of every one's honour and honesty; he suspected every one of having some design against him; and consequently he trusted no one, even when there was an evident desire to serve him. . . .

He had an indomitable spirit, we would we could say, for good as well as for evil; an iron constitution that no fatigues of body or mind could subdue; an unwearied perseverance, that unscrupulously sought every means to obtain its ends; and a firmness and self-possession that, had it rested on right principles, would have been deserving of the highest praise. . . .

It is difficult to say whether religion had any hold on him, or how far his mind may have retained its first impressions. If he possessed any, it must have been of the most perverted kind. Practical infidelity and the most revolting hypocrisy were displayed in all his conduct. It is certain that Cobbett and Carlyle were once his favourite teachers. Whether he still retained their doctrines in their full force, unmixed with other views, and carried them out to their natural results; or whether the impressions of early education mingled themselves with them; or whether he assumed the form of godliness, solely to render it subservient to his base purposes—it might be difficult to determine. That he did pervert the Scriptures so as to make them appear to favour his vices and duplicity, there is abundant evidence; nor is there less of his hypocrisy. All this has been glaringly manifest in his seduction of, and intercourse with, Emily Sandford. And whilst he was practising the most insidious and treacherous arts of seduction, living in the unrestrained and grossest profligacy, plotting in various ways to cheat his neighbours of their property, and meditating acts of malice and revenge, he was audibly sobbing in the congregation which he frequented. . . .

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<sup>5</sup> Governor of Norwich Castle gaol.

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When in London he was in the habit of frequenting a Wesleyan meeting, in Islington, with all the show of piety. No longer ago than last October (1848) he fixed his attentions upon a young lady who attended there as a pupil of a boarding-school, and made some improper advances towards her. The mistress of the school alarmed, sent the young lady home to her friends.

On his apprehension, he not only counterfeited that peace and confidence of innocence that should induce the world to believe that so happy and unperturbed a state of mind must be incompatible with guilt, but he also professed so great a regard for religion and attention to its duties as should force every one to conclude that a man so endued could not commit the horrid crime with which he stood charged. He was constant in his attendance at chapel; complimented some upon the sermons which he pretended to admire; had a large book for private devotion and family worship; professed to derive his greatest comfort from the Bible, and had all the phraseology of piety. Soon after his commitment he requested to have the Holy Sacrament administered privately to him. He was told that it was not the practice to administer it to a prisoner before his trial, lest it should be received for an unworthy purpose. He could not believe that any could be so wicked as to act thus. On being assured by the chaplain that he had known some so wicked as to make the request, when he, at the very time, had undoubted evidence of their guilt, he seemed confused, like one whose attempt to deceive is detected and defeated.

It is certain that the chaplain and the two clergymen who were permitted to visit him were all deeply moved with astonishment and grief at the awful hardness of heart which appeared in him, far exceeding every case of impenitence they had ever witnessed. He would join with them in prayer, with seeming devotion; but, whenever they adverted to his guilt, he showed uneasiness and impatience. If his feelings were excited by mention of his children, or other matters that particularly affected him, he would request the subject to be dropped, as if afraid of losing his self-possession, and of being betrayed into some unguarded admission. Although he appeared to be glad of the attendance of his spiritual advisers, and at times exhibited considerable feeling, yet, as soon as they were gone, he affected the utmost nonchalance, and began to talk of farming and other worldly matters of a most trifling kind. . . .

During his long imprisonment, before trial, he had frequently, directly or indirectly, professed his innocence to the chaplain, who, having no right to assume his guilt, could only receive those professions either in silence, or in such a manner as should not give him cause to accuse him of prejudging his case; but he did feel it a duty incumbent upon him to represent to him the tremendous nature of the charge against him, and the formidable bearing of the evidence, and to urge him to prepare for the event; furnishing him with books and instruction that might assist him in such preparation. Either from this, or some other cause, he seems, from the first moment of his condemnation, to have lost all hope of imposing upon the chaplain a belief of his innocence.

Soon after that awful event, he requested that the Rev. W. W. Andrew might visit him, with the chaplain. Considering the long time he had

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attended Mr. Andrew's ministry, and the many acts of kindness he and his family had experienced from that gentleman, Mr. Andrew appeared to be the most likely person to give the desired assistance, to obtain his confidence, to have some influence over his mind, and to afford him that spiritual consolation and support of which he stood in so great need. But such was not the use which Rush, who never acted without a sinister view, intended to make of his services. His chief purpose, as it subsequently appeared, was to induce Mr. Andrew to believe him innocent; and, of course, to make that opinion known to the world. In the very first interview, when Mr. Andrew spoke of the piety of his wife, and of the good reason there was to hope that she was blessed in the presence of her Saviour, he exclaimed with somewhat more than a confident hope that he should soon be happy with her in heaven. This impious boast shocked all present, and, with other kindred expressions, was so received by Mr. Andrew as to damp Rush's expectation of imposing upon his kind friend. Each succeeding visit diminished that expectation, and also diminished, in the same degree, his regard for his spiritual guide; who, after a judicious and zealous attendance, was, in the end, sorrowfully convinced that the sole design of Rush in sending for him was, if possible, to cajole him into a belief of his innocence, or at least a doubt of his guilt. Mr. Andrew visited him seven times; two of them only for a few minutes. After his third visit, Rush requested the committee to allow some other person also to pray with him, subject to the approbation of the chaplain, but without being prepared to name the person. He subsequently wished for the attendance of the minister whose place of worship one of his own connections attended, but without knowing the name of the minister, or whether he was a Churchman or Dissenter. At the next visit, he said, you may talk as long as you please, but you cannot destroy my peace of mind, or make me feel unhappy. And when asked, by Mr. Andrew, whether he should pray for any particular thing, he replied, "Yes, pray that I may continue in the same state of mind in which I now am." He afterwards said to his attendants, that he "was happy, notwithstanding these two parsons coming backward and forward to him." He also said that he "did not now think any more of Mr. Andrew than he did of Mr. Brown. They wanted him to confess, but he had nothing to confess." Only three or four days before his death he distressed his elder children very much by desiring them to bring some particular accounts relating to the management of their farms, and such like matters. Mr. Andrew begged of him not so to employ his precious time, nor, by so doing to hurt their feelings. At this good advice he seemed much offended, and said, after Mr. Andrew had left him, "Half these sanctified parsons know nothing of religion. I have read of better men than Mr. Andrew, who have thought of such things on their death-bed." And then he quoted Jacob's prophetic discourse to his sons, thus impiously endeavouring by his accustomed perversion of Scripture, to justify his neglect of his all-important duties, by interfering with business over which he would have had no control had he been at liberty, and by giving directions about worldly matters of the most trifling kind.

Such was the manner in which he received the benevolent and Christian labours, for his good, of his former pastor and kind friend. As for his other

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kind pastor, the Rev. Chas. Blake, under whose ministry he might have profited, he sent for him, but it appeared so plain that he could not impose upon him his plea of innocence that he expressed no desire for any further visits from that gentleman. . . .

His propensities were, in fact, those of the brute, and the desire of gratification was as unceasing as his self-indulgence was without bounds. But while he possessed certain powers of intellect, which are of great value when they can be aided by that greatest of all faculties—the power of reasoning and by moral restraint—his want of these properties reduced them to the level of low cunning and vicious depravity.

One case in point will exhibit the sharper and the avaricious villain in full force. During the trial a pocket book, belonging to the prisoner, and found in his possession, was put in by the prosecution for the purpose of giving certain entries in evidence. Rush, in a careless off-hand manner, asked to look at it, and it was handed to him in the dock. He turned over the leaves, and in a few minutes returned it to Mr. J. S. Cann, the solicitor to the prosecution. Afterwards it was discovered that a cheque for £40, deposited in the pocket of the book, was missing. This cheque was in the pocket book when it was taken from him on his apprehension, and he then manifested some anger at its not being returned, as he said it was wanted to carry on the business, and that it belonged to his son, not to him. After the trial all places were searched likely to contain the missing cheque, but without avail. On the night after his conviction the loss of the cheque was communicated to Mr. Pinson, and he suspected that Rush had possessed himself of it. He went to the room in which Rush was confined, and called his attention to the loss. Mr. Pinson said that his object was to find it, and restore it to the family, it being their property. Rush then stated that he knew nothing of the cheque—had not seen it—and was quite sure he could give no information about it. Mr. Pinson then said that he (Rush) must look over his papers in the morning, and see if it was among them, because the cheque belonged to his family, and he assured the convict that Mr. Scott, the solicitor, of Aylsham, had made an application about it for them. No information was obtained that night. The next day Mr. Pinson renewed his application, but Rush still said he knew nothing of the cheque. Mr. Pinson, however, had become assured that Rush did possess a knowledge of what had become of it. Several days passed and no further progress was made towards its discovery. . . . Mr. George Durrant, a highly respectable solicitor, of Norwich, attended for the purpose of visiting Rush on business connected with the family. On this occasion only Mr. Durrant and Mr. Pinson were present with Rush. After some conversation about the cheque, Rush turned round and said to Mr. Pinson—"I won't deceive you any longer, but I must tell you what my suspicions have been. I suspected you were making inquiries about the cheque in this way—one word for my family and two for Mr. John Cann—and that you wanted to get the cheque to hand it over to Mr. J. Cann." Mr. Pinson replied that he did not know why Rush should have suspected he had been practising deception upon him, because he had told him the real object for which he was desirous the cheque should be discovered. All the communication between him and Mr. Cann on the subject had been the information given him through that gentleman of

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the loss of the cheque, who also expressed his anxiety it should be found, and given to Rush's family. After this Rush said, "Well, if you will allow me to give the cheque to Mr. Durrant, I will tell the truth and produce it. I took the cheque from the pocket book in Court." He then asked for his hat, and drew the cheque from the inside lining of the side, saying, "See, here it is." It was stained by the perspiration and the colour of the leather under which it was hidden. Can this be exceeded either in hardihood, in extraordinary tenacity of purpose, or concentration of object?"

The Trial commenced on Thursday, 29th March, 1849,<sup>6</sup> before Mr. Baron Rolfe, and occupied six days.

Rush, seemingly confident of acquittal and apparently in good health, carefully dressed in black, defended himself. His speech, which occupied fourteen hours, is one of the most extraordinary in the annals of criminal trials: turgid, bombastic, often hopelessly irrelevant and difficult to follow. If there had been any chance of his securing a verdict "Not Guilty," his defence destroyed it.

It is not until the whole of the evidence for the prosecution has been carefully studied that the verdict of the jury seems justified, but bit by bit overwhelming proof was produced that Rush was guilty of the crimes with which he was charged.

His cross-examination of Emily Sandford created an impression that told heavily against him.

When the prisoner commenced his cross-examination of this witness, there was profound silence in the Court, all present being anxious to know how he would treat the unfortunate female who had given such important evidence against him. It was, altogether, the most solemn scene we ever beheld. Every one evidently felt that at this stage of the proceedings the conduct of the prisoner would determine his fate. He appeared to be under the influence of strong emotion; so much so, as, at times, to stifle his utterance, and he was frequently on the verge of bursting into tears; yet he mastered his feelings, and put his questions mildly, and in an assumed, beseeching and affectionate manner, evidently trying to rouse any affection that the witness might have left for him. She looked very pale, and much distressed; and pity was depicted on the countenances of all beholders. She gave her answers in a low tone, scarcely audible, and sometimes weeping; it was with the greatest difficulty that she could be heard at a few yards distance. Nearly all the questions put by the prisoner were quite irrelevant to her evidence-in-chief; but not all the blandishments and frequent adjurations of the questioner could elicit answers to suit his purpose. At length he began to put questions which roused the indignation of the witness, as well as of the audience, and expressions of reprobation were uttered, from seat to seat, throughout the Court.

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<sup>6</sup> Captain Marryat was among those in Court.

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When sentence of death had been pronounced, at quite unnecessary length, Rush stood dumb, apparently in a state of stupor.

### XV.

It would not become a volume in the Notable Trials Series to paint a lurid picture of how condemned murderers pass their last days, but it will be of assistance to our fuller knowledge of Rush to present a few of the happenings during his time of waiting for release.

Here may be given a letter written by him two days before his Trial, which shows that he was attentive to his creature comforts :

Norwich, 24th March, 1849.

Sir,—You will oblige me by sending my breakfast this morning, and my dinner about the time your family have theirs, and send anything you like *except beef* ; and I shall like cold meat as well as hot, and meal bread, and the tea in a pint mug, if with a cover on the better. I will trouble you to provide for me now, if you please, till after my trial, and if you could get a small sucking pig in the market to-day, and roast it for me on the Monday, I should like that cold as well as hot after Monday, and it would always be in readiness for me, as it will be so uncertain what time I shall have for my meals after Monday. Have the pig cooked the same as you usually have, and send plenty of plum sauce with it. Mr. Pinson will pay you for what I have of you. By complying with the above,

*You will very much oblige,*

Your humble and obedient Servant,

JAMES B. RUSH.

Mr. Leggatt, Bell Inn, Orford Hill, Norwich.

As a sort of postscript to this, it is recorded that shortly after leaving the dock he said to the officers in whose charge he was : “ I am thirsty, give me some porter,” and that he reluctantly accepted tea in its stead.

As far as I have been able to trace, his first remark of any note after leaving the Court and on his return to prison was : “ This is indeed a troublesome world.” Not exactly original, but appropriate.

While in his cell he was somewhat more than usually reserved ; sullen and speaking seldom. Truculent, as ever. Soon after entering it he remarked : “ Well, upon such evidence, had I been the jury, I should certainly have returned the same verdict,” and a little later : “ Well, now let me have my tea and slippers.” All along till the end he maintained the attitude of one who had been

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basely wronged, especially in having been convicted of a crime that he had not committed. He even adhered to the truth of his tale about "Dick, Joe, and the lawyer,"<sup>7</sup> expressing a wish that his defence should be brought to the attention of Her Majesty the Queen.

As those who have read the Trial will remember, Rush at more than one of his examinations had spoken with surly bitterness to Emily Sandford, and while in prison, previous to the Trial, he wrote to her as follows:

Norwich, January 1st, 1849.

TO EMILY SANDFORD,—I am sorry I used the language I did when I was last with you, but I hope you know enough of my temper to believe me when I tell you, you have nothing to fear from my bad wishes, *either from what I then said, or WHATEVER MAY BE THE RESULT OF THIS UNJUST ACCUSATION AGAINST ME.* You will always have MY BEST WISHES for the health and happiness both of YOURSELF and OUR CHILD. Write only a few words to acknowledge the receipt of this, for we are not allowed to say more.

JAMES B. RUSH.

Emily Sandford, with Mrs. Bryant, Wymondham Bridewell.

Direct to Mr. G. Pinson, Governor of Norwich Castle.

Norwich, 4th of January, 1849.

Sir,—I think it my duty and what is right, considering the state Miss Sandford is in, to send the inclosed half sheet to her, and under all circumstances you will, I hope, give it to her, or send it, so as I have a line in her hand-writing to acknowledge the receipt of it. She has quite enough to suffer without having to think I wish her any harm, which from my soul I do not; nor shall under any circumstances, however unjustly I may be accused; and as such, I hope you will agree with me in the propriety of her having my note. Waiting your reply,

I am, Sir, yours, &c.,

JAMES B. RUSH.

W. Cann, Esq., Cavic House, Wymondham.

P.S.—I have directed her note as if she was in the Bridewell; but if wrong, you, of course, know where she is. If you come to Norwich to-day, I should like to speak to you, and perhaps you will bring a line from Emily Sandford to acknowledge the receipt of my note.

To which may be added a letter from a catchpenny publication,<sup>8</sup> stated to have been written by him to her. There is no date. It certainly reads like him:

Dear Emily,—Here in my miserable cell, a condemned murderer, I

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<sup>7</sup> See Trial, p. 146.

<sup>8</sup> "Life and Character of J. B. Rush, &c." Published by J. Powell, 208 Brick Lane.

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write to one whom I have, from my first acquaintance, held in the highest esteem, and whom, I believe, has had the same kindly feeling towards myself. No one pitied your peculiar situation for so many hours on the trial more than I did; but my sole object in asking you so many questions was that my life would have been spared, and that I might have passed the remainder of it happily in your company; but it has been ordained otherwise, and we must shortly part in this world for ever. I want to see you once more, which request I hope you will grant, that I may have from your own lips a forgiveness of the great injuries I have done you. I remain your sincere well-wisher,

J. B. RUSH.

This is from the *Norfolk News*:

The following particulars we owe to the courtesy of Mr. Pinson, governor of Norwich Castle, and of the Rev. Mr. Brown, chaplain to the gaol. These gentlemen state that Rush, from the commencement of his imprisonment, assumed the character of innocence and piety, and so carefully asserted his pretensions to these qualities, and so overacted his part, as to throw at once the strongest suspicions on his sincerity. He took every opportunity of denying his guilt, professing perfect tranquillity and unhesitating confidence in his acquittal. His constant language was, "Thank God, I am quite comfortable in body and mind; I eat well, drink well, and sleep well." The wretched man's sleep, however, was observed by his attendants not to be so quiet as he himself represented it. He was constant in his attendance at chapel, and very soon after his committal requested the chaplain to administer the Sacrament to him privately. This, however, the chaplain refused to do, and thereupon Rush lost all confidence in him. After conviction he requested that the Rev. W. W. Andrews, of Felmingham, and the Rev. C. J. Blake, of Ketteringham, might be permitted to visit him in Mr. Brown's company. This wish was of course complied with, and no doubt the convict expected to work upon the minds of those gentlemen, whose churches he had been in the habit of attending, a conviction of his innocence. Finding, however, that he was deceived in this hope, and that he could not impose on them a doubt of his guilt, he became dissatisfied with them also, and his last interview with them, as will be seen, terminated in a violent altercation. The chaplain, who had determined to refuse him the Sacrament while he remained impenitent and without confession, was apprehensive that he would request to have it administered on the day of his execution. He, however, expressed no such wish, but about five minutes before he left the chapel to be pinioned he said, he had hoped that it had been the intention of Mr. Blake and Mr. Andrews to receive the Sacrament with him. The chaplain came to him about half-past eight o'clock this morning, and he seemed glad to join in devotion, but whenever his guilt was assumed, and confession and repentance were urged on him, his constant reply was, "God knows my heart: He is my judge, and you have prejudged me." Last night, at nine o'clock, Mr. Pinson went to speak to Rush relative to a letter sent to him by his eldest daughter, expressed, it is said, in a very proper and feeling manner. Mr. Pinson had two doors to unlock close to the bedside of the prisoner before he could approach him, yet Rush professed to have been in

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a profound sleep when awakened by him. He had not retired to rest more than half an hour previously, and Mr. Pinson was perfectly satisfied that he could not have been asleep as he pretended. He kept his bed till eleven or twelve o'clock, and told the turnkeys in attendance on him that he had had a beautiful sleep, yet no five minutes in the interval had passed that his eyes were not wide open and fixed on theirs. About two o'clock, becoming very restless, he got up and commenced reading a religious book, passages of which he interlined, expressing, at the same time, a wish that the book might be given to his family. Thus two or three hours of the short time remaining to him passed away. He then got into bed again, but could not rest, and was up and down constantly until the chaplain came to him. For breakfast he requested that a little thin gruel might be given to him. He was then engaged in reading till after ten o'clock, when he went to the chapel and heard service performed with the other prisoners. This lasted till twenty minutes to twelve o'clock, and at its close he was left with the chaplain and Mr. Andrews. They again solemnly urged upon him the duties of repentance and confession, but he became much irritated, repeated his innocence, and said that the real criminal would be known in two years. He was proceeding to quarrel violently with them, when Mr. Pinson entered the chapel, and removed him. Mr. Pinson states, as a further illustration of the prisoner's state of mind, that he hardly ever visited him without his saying, "Thank God Almighty, all is right." At one of the interviews with his family, at which he was present, Rush asked whether the Queen would be in a hurry to hang him; and, upon being expostulated with for using such an expression, added, "I am all ready for that. You cannot suppose that, having prepared my defence, I am not ready in that respect. Thank God Almighty, I am quite prepared to die." Nothing in his conduct is more remarkable than the reliance which he placed upon his defence of himself, his confidence in his power to convince others of his innocence, and his anger at hearing that the world was unanimous in thinking him guilty. On leaving the chapel, he went into the prison-yard and washed his face and hands and the back of his neck with cold water at the pump. From the prison-yard he was conducted to the room of one of the turnkeys, where Calcraft,<sup>9</sup> the executioner, was waiting to receive him. On observing him, Rush said, "Is that the man who is to perform the duty?" To which Mr. Pinson replied that it was. Calcraft then desired him to sit down, which he did, and the operation of pinioning commenced. The prisoner, who appeared perfectly calm and collected, said with a shrug, "This don't go easy; I don't want the cord to hurt me." His request was complied with, and the rope was moved a little to give him relief. He then said that he was comfortable, and the sad procession having been formed, he was conducted to his doom.

He was executed on Saturday, 21st April, to the end maintaining his defiant demeanour. Again I quote from the *Norfolk News*:

It is now necessary to give some description of the preparations which

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<sup>9</sup> John Calcraft, b. 1800; appointed public executioner in 1828; d. 13th December, 1879.

## Introduction.

had been made for rendering the execution of such a criminal as solemn and impressive as possible. For this purpose the situation of Norwich Castle and the style of its architecture are strikingly adapted. It is a fine massive structure, the principal feature of which is an immense square tower, supported by buttresses, between the intervals of which a profusion of small blind arches are panelled. From this tower extends on each side a low battlemented wall, within which the prison is placed. It stands on a hill or mound, which forms the highest ground in Norwich, and has a commanding view of the city, with its cathedral and numerous churches, and also of the surrounding country. The strong grey walls are surrounded by a spacious terrace, beneath which is the moat, and beyond that again an iron railing. The principal approach is from the market place, and is about 100 yards in length, the centre being formed by a bridge over the moat. On this bridge the drop was erected, and so situate, had, as may be imagined, a very striking effect. This was heightened by an immense black flag, which was suspended over the entrance to the Castle, and which, as it surged slowly in the wind, was well calculated to solemnise the minds of the spectators. Although it was market-day, there was no great collection of people on the fatal scene until the hour of execution had almost arrived. The morning was cold, dismal, and cheerless, and the few groups who collected on the hill were principally farmers, attracted there as much by business as curiosity. They eyed, at a respectful distance, the dreadful apparatus of death, and in little knots, with bated breath, talked over the fate of the wretched man, whom many of them had no doubt known and bargained with, and whose occupation in life had been similar to their own.

As the day advanced the sun shone out, and the inhabitants of the city came up in greater numbers to the spot. Shortly before twelve o'clock the number of spectators received a great accession. The trains from Yarmouth and other places came in loaded with passengers, and the population of the whole surrounding country poured towards the spot. There might have been 12,000 or 13,000 people present—a large number, certainly, to be attracted by curiosity and the love of excitement to a spectacle so painful as a public execution. Among them, as is usual on such occasions, were a large number of women and boys, eagerly looking forward for the appearance of the prisoner, and passing the interval very much in the same manner as the galleries of our great theatres do between the acts on a Shakespeare night with Macready as the star. Some housetops had a few spectators upon them, and we observed a great number of people perched upon the square tower of one of the city churches. The short space between the Castle entrance and the drop was lined on one side by the magistrates of the county, and on the other by the representatives of the press. At last the death-knell began to toll from the spire of St. Peter's Mancroft, and shortly after twelve o'clock the dreadful procession emerged from the Castle, and took its way to the drop. First came the Sheriffs and javelin-men, and then followed the convict, attended by the governor and executioner; on their way they were met by the chaplain, who read the funeral service with a loud voice. The wretched prisoner moved along with great firmness. He was dressed in black, wore patent leather boots, and had his shirt collar, which was scrupulously clean, turned over. As his head

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was bare, the features of his face could be distinctly marked. They had undergone no perceptible change since his trial. Perhaps he might have looked somewhat paler, but his determined expression had not changed, and the man was in all respects the same unwavering, resolute being, who for six days conducted his own defence in a Court of justice, though oppressed, not only by the conviction of his enormous guilt, but also by the knowledge that it had been so clearly brought home to him. His step never faltered, and he regularly marched to his doom. On catching sight of the scaffold, he lifted his eyes to heaven, raised as far as he could his pinioned hands, and shook his head mournfully from side to side once or twice. The pantomime was perfect, conveying almost as clearly as words a protest of innocence, combined with resignation to his fate. As he walked along he asked the governor what the words were with which the burial service ended. He was told that it was with the benediction, "The grace of our Lord Jesus Christ," &c., and he requested that the drop might fall when the chaplain came to those words.

The wretched man then mounted the scaffold, but instead of looking to the crowd without, turned his face to the Castle walls. Calcraft immediately threw the white night-cap over his head, and, fastening the fatal rope to the beam, adjusted the noose to his neck. The unhappy man, even at this dreadful moment, had not lost his coolness. "This does not go easy," he said, "put the thing a little higher—take your time—don't be in a hurry." These were his last words. The rope was in the right place—the drop fell—and in an instant the murderer was dead. No struggles ensued, and the dreadful ceremony was performed as quickly and as well as is practicable, and with fewer revolting circumstances than usual. During the whole time the crowd without maintained a solemn silence, and the only sounds that accompanied the fall of the body, and jerking of the tightened rope, were one or two faint shrieks. After being suspended for one hour, it was cut down, and carried back to the Castle on a litter. There a cast was taken from it, after which it was placed in a shell, previous to interment within the precincts. At five o'clock the features had undergone so great a change that no one could recognise them. The hair had then been shaved off, and the craniological development might be accurately observed. The appearance presented certainly seemed to justify the verdict of the jury. Thus perished, while still in the prime of life, James Blomfield Rush, the perpetrator of the Stanfield Hall murders.

In conclusion, this from the pen of a popular but not eminent poet of the day :

Hark! that sad, despairing cry,  
'Tis Rush that weeps and groans,  
Now in a dismal cell he lies,  
For murder he has done.  
Oh, Jermy, true I did thee slay,  
God pardon me the crime,  
And took thy lov'd son's life away,  
Though scarcely in his prime.

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## XVI.

The chief difficulty that almost always faces the student of criminal psychology is the sparseness of the evidence upon which he has to base his conclusions, and also its too often unsatisfactory character. When a criminal is put upon his trial all that the prosecution, the defence, and the Court are concerned about is to have it proven whether he is or is not guilty of the offence with which he is charged. Evidence that does not bear, directly or indirectly, upon that point is not admitted. In other words, except when a plea of lunacy is put forward by the defence, the law is concerned with the accused only as the possible or probable perpetrator of a crime. The psychologist is not concerned with him until he is proved guilty, and then the crime fades into the background, the criminal coming to the front as a personality. In the case of Rush the criminal psychologist would like to have full evidence as to his childhood environment, his school, and his education; his general character and his doings in matters which were not connected with his crime. Such evidence is very seldom forthcoming in the case of any great criminal.

The main fact, to my mind, is that Rush was an illegitimate child and that this was known to all with whom he came into intimate contact. Even to-day, when we count ourselves so highly enlightened, illegitimacy is by many looked upon as a stigma and the boy with a bend sinister is not allowed to forget it. Especially at school the demoniacal cruelty of boys will rub the fact in hard, the raw place will be constantly chafed. I cannot help thinking that Rush was soured by finding himself looked upon askance by the county gentry, one of whom was his father, and, on the other hand, not respected by the yokelry and yeomanry as even on a level with themselves.

At school a lad who is handicapped by a social or physical disability is apt to be turned to evil ways, getting even with his persecutors either by sheer physical brutality or by cunning. Rush seems to have adopted both means of retaliation, reaping the consequence of general dislike. Out of this grew a ferocity greater than that of any wild beast and a callous indifference to the infliction of pain and misery. He became Ishmaelitish.

He was not, as far as the evidence can be trusted, a man of any considerable mental powers, but was endowed with, or

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acquired, an unusual cunning. That this was so is clearly proved by the contrivances which he used in order to divert suspicion from himself as the perpetrator of the murders at Stanfield Hall. But cunning is generally "too clever-by-half," overreaching itself; and, also, it is too ready to underrate the intelligence of those to whom it is opposed. In business, too, he appears to have been both sharp and unscrupulous, without bowels of compassion save for himself, and "doing-down" near relations as well as mere acquaintances. He was in constant practice as a liar, and as a poseur deceived even himself, I believe, thinking himself wronged and evilly entreated.

As is the case with almost every murderer, if not all, he was lecherous to a degree. There, too, his illegitimacy may have borne fruit; he was a child of lust, and followed, possibly to a certain extent of malice prepense, in the footsteps of his father. It should be borne in mind that an agricultural countryside never was the school of high moral conduct that some poets, novelists, and social philosophers ask us to believe it is!

He was a canting hypocrite, to whom the emotional appeal and emotional safety-valve of religion were acceptable. Family prayers and attendance at chapel and church were his practice.

To quote once again from "An Introductory Narrative":

Nothing could display his want of causality more than the style and mode of his defence. He could see certain points, but when he had obtained replies he could not use them well or wisely; and, again, unable to understand the effect of the previous question and reply, and its connection with that he was about to put, he was constantly either foiled or convicted by that which he elicited. His cross-examination, which was entirely the result of questions he had written down previous to the trial, therefore displayed neither ingenuity nor continuity of thought nor of purpose. They had, in many instances, no relevancy to the particular point to which the witness was speaking, but were a mere patchwork, appertaining it is true to the case, but still merely a string of shreds. His determination to conduct his own defence (although the reason he gave to a solicitor, empowered to offer a sum for the employment of counsel—that he could not make any one understand the case so well as himself, was most pertinent)—was, nevertheless, caused by self-conceit, which had been strengthened by continued self-gratulation. It was the same feeling which made him defend his own case against Mr. Jermy, and the compliment of the learned Judge (Pollock), at the conclusion, tended to heighten his belief in his own superior capability. It was the same self-opinion, combined with his secretiveness, which rendered him so reserved and silent, and also made him trust no confederate. He considered himself sufficient for all emergencies, and his carelessness of the world's opinion was

## Introduction.

a part of the same feeling. Those who knew him never, therefore, believed him to have an accomplice. His patience was that of the animal, whose instinct teaches him to wait till his spring can be made certain; and it was thus by a series of cunningly devised plans and patient forbearings till the moment was come, when he obtained that which he thought to be the climax of his diabolical design. Yet, had his powers of reasoning not been shallow, he would have seen and comprehended the various facts left open, which threatened his safety and proved his guilt. But, as in his defence, his mind could only grasp the effect of the immediate point before him—he could not reason upon these dangers. Nothing could more strongly exhibit this want of causality than his calling for and insisting upon Mrs. Jermy's deposition being read, notwithstanding the Judge's recommendation to the contrary. He was here again blinded by self-conceit, and showed this great weakness of his character when he said—I shall act upon my own opinion.

He possessed all the major attributes of the murderer, being remorseless, pitiless, lecherous; and many of the minor, being cunning, untruthful, boastful, envious, obstinate, and hypocritical.

In short, in him, as in every murderer, we see uncontrolled the desires and impulses with which we are all endowed at birth. Some of us are driven by environment and opportunity into the way of righteousness; some of us into paths of iniquity.

Is any saint justified in casting a stone at any sinner?

### Leading Dates in the Rush Trial.

1800.	( <i>Circa.</i> )	James Blomfield Rush born.
1828.		Marriage with Miss Soames.
1835.		Tenant of Felmingham Farm.
1836.		Tenant of Stanfield Hall Farm.
1837.		Isaac Jermy inherits Stanfield Hall.
1838.		Thomas Jermy claims Stanfield Hall.
„		Rush purchases Potash Farm.
„		Borrows from Mr. Jermy to pay for his purchase.
1842.	(Or 1843.)	Death of Rush's wife.
1844.		Death of Mr. John Rush.
1846.		Rush meets Emily Sandford.
1847.	March.	Mr. Jermy's action against Rush for breach of contracts.
„	May.	Rush bankrupt.
1848.	August.	Death of Rush's mother.
„	3rd October.	Agreement between Rush and Thomas Jermy.
„	5th October.	Emily Sandford goes to Norwich.
„	10th October.	Rush's alleged new Agreements with Mr. Jermy.
„	28th November.	Rush murders Mr. Jermy and his son.
1849.	28th March.	Trial of Rush commences.
„	21st April.	Execution of Rush.

# THE TRIAL.

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At the ASSIZES held at NORWICH,

THURSDAY, 29TH MARCH, 1849.

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*Judge—*

MR. BARON ROLFE.<sup>1</sup>

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*Counsel for the Crown—*

MR. SERJEANT BYLES,<sup>2</sup>

MR. PRENDERGAST, and

MR. EVANS.

The Prisoner was not Defended by Counsel.

<sup>1</sup>Robert Monsey Rolfe, Baron Cranworth (1790-1868); K.C., 1832; Solicitor-General, 1834 and 1835; Baron of Exchequer, 1839; P.C., 1850; Lord Chancellor, 1852 and 1865.

<sup>2</sup>John Barnard Byles (1801-1884); Recorder of Buckingham, 1840-55; Serjeant-at-law, 1843; Knighted, 1858; Justice of the Common Pleas, 1858-73.

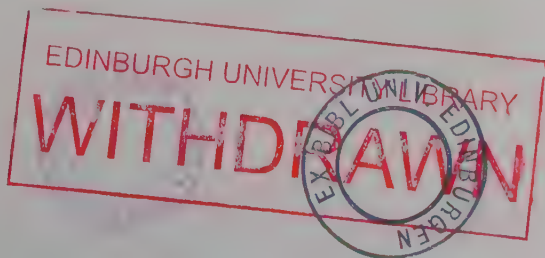




James Blomfield Rush as he appeared at his Trial.

*Painted by A. Priest.*

(Teignmouth Shore Collection.)





## First Day—Thursday, 29th March, 1849.

The prisoner stood charged in the calendar as follows :

“ James Blomfield Rush, aged 48, committed December 14, 1848, by the Hon. and Rev.<sup>1</sup> Robert Wilson, clk. ; Sir J. P. Boileau, Bart. ; Rev. Edward Postle, clk. ; and W. R. Cann, Esq., charged on the oaths of John Witherford, of Stratton St. Mary, superintendent of police, and others, with having, on the 28th of November last, at Wymondham, murdered Isaac Jermy and Isaac Jermy Jermy. Charged also upon an inquisition, held by Edward Press, gent., coroner, with the murder of the said Isaac Jermy. Charged further, upon another inquisition held by the same coroner, with the murder of the said Isaac Jermy Jermy.”

The prisoner pleaded “ Not Guilty.”

### Opening Statement for the Prosecution.

Mr. Serjeant BYLES—Gentlemen of the jury, you have heard that the prisoner is indicted for the crime of wilful murder. It is to be regretted, on the part of the prisoner, that he has not thought fit to avail himself of the very able assistance the bar of this circuit could have afforded him in conducting his defence. But he having preferred to conduct it himself, it will be doubly incumbent upon us to be careful that we produce before you no evidence as to the admissibility of which there can be the least doubt. I trust you will give us credit that in a case of this kind we should not sin in that way wilfully. And, if in consequence of any inadvertence or ignorance on our part we should fall into any such error, my lord will take care that, as the prisoner is ignorant of the laws of evidence, it shall occasion him no mischief. You will naturally say, what motive can the prosecutor assign for such a crime as this?—a question natural and reasonable. But the answer to it will make it necessary for us to take up the thread of these transactions at a period anterior to that to which your attention will be more especially directed, because there have been certain transactions between the deceased Mr. Jermy and the prisoner, the full understanding of which is essential to a right apprehension of this case, in order that your judgments may be led to a safe and satisfactory conclusion. The deceased Mr. Jermy was a learned friend of ours—he was recorder of the city of Norwich—a gentleman of fortune—the chairman

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<sup>1</sup> It is curious to find this blunder in designation in an official document ; of course it should read “ the Rev. the Hon.”

## James B. Rush.

### Serjeant Byles

of the Quarter Sessions—and in the habit of presiding in the very seat which his lordship now fills. Mr. Jermy had a residence at Yarmouth, and he had also a considerable estate at Stanfield, in this county. His father, the Rev. Mr. Preston, died, I think, in the month of October, 1837, and, when the late Mr. Jermy succeeded to the property, his name also was Preston, but he assumed, after coming to the estate, the name and arms of Jermy. In the immediate vicinity of the Stanfield Hall estate there is a farm called the Potash farm, occupied by Rush. The Stanfield Hall estate itself consists of 700 or 800 acres of land, with a mansion upon it and a large farmhouse, and the prisoner had been tenant of the Stanfield Hall farm. The late Mr. Jermy had also two farms at Felmingham, being on the other side of Norwich, and, as I am informed, in a direction towards North Walsham. One of these farms was occupied by the prisoner, and the other by his mother, who is since deceased; so that, in fact, he did at one time occupy, a short time before this transaction, four farms—the Stanfield Hall farm, the Potash farm, a farm at Felmingham, and another farm at Felmingham. About the year 1844 Mr. Jermy had advanced to Mr. Rush considerable sums of money on the Potash farm. The equity of redemption (or ownership of which, subject to the mortgage) belonged to Rush, and one of the first documents which will be laid before you on the present occasion is the last of those mortgage deeds, because it is a deed which will have a very important bearing upon this case. That deed is dated 28th September, 1844, and it recites several prior mortgages. The effect of it is this, that a sum, £5000 in all, is charged upon the estate by way of mortgage in favour of the late Mr. Jermy, and the deed contains a provision, it being dated on 28th September, I think, 1844, that the money is to remain upon the security of that estate until the 30th November, 1848. Now, gentlemen, you will at once see that that is an important date, because the tragical occurrence, into which you are now to inquire, took place two days before that. The money became due on Thursday, the 30th November. The occurrence to which I shall presently direct your attention took place on Tuesday, the 28th November. I shall produce, among other things, the prisoner's pocket-book. I shall show that a notice, in addition to the provision in the mortgage deed, has been given by the late Mr. Jermy, and on 20th September we find this entry in the pocket-book—"Sept. 20, Wednesday, Potash. Interest due, principal due, 30th Nov., 1838." That is evidently a mistake for the year 1848. There is only one other provision to which I need call your attention with respect to this deed of September, 1844, which is this: the interest upon the sum of £5000 was 4 per cent.; that would make £200 a year, and the prisoner attorned tenant, so as to enable Mr. Jermy to distrain for the rent of £200 per year.

Some disputes arose between the late Mr. Jermy and the

# Opening Statement for the Prosecution.

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prisoner with respect to the Stanfield Hall property, but it will suffice to say at present that Mr. Jermy entered upon the Stanfield Hall property, and in the month of October, 1847, he put in some distresses. I do not know whether the particulars of those distresses will be very material, but I shall put in the paper if anything should turn upon them. Mr. Jermy also brought an action against the prisoner, which was tried at this time twelvemonth, for his cultivation of the Stanfield Hall farm. Now, that distress, that action, and other circumstances between the prisoner and Mr. Jermy, seem to have occasioned in the prisoner's mind no very good feeling towards Mr. Jermy. Gentlemen, I shall be able to show you that, in the early part of the year 1848, on the testimony of a person of the name of Howe, the prisoner expressed himself in a very hostile way towards Mr. Jermy. He said, "I will not be long before I serve him with an ejectment for the other world." I shall show that that took place before the time this distress was made. I shall call another witness before you, who, at the time of the distress, will speak to other expressions on the part of the prisoner, one of which is this: speaking of the late Mr. Jermy, and a gentleman of the name of Clarke, a solicitor at Wymondham, the prisoner said, "Damn them, I will do for them the first opportunity I have." It is very true that both these expressions depend upon the verbal memory of witnesses, evidence not so satisfactory as a written record, because such things are apt to be misheard, misunderstood, misremembered, or misreported. But it will be my duty to bring before you some statements which are in print. For after the trial relating to the Stanfield Hall farm the prisoner published a pamphlet about it. The passage which I am now about to read will not be subject to the observations which I myself have thought it right to make upon the verbal testimony of the witnesses, because these passages are to be found in the pamphlet printed by the prisoner. Upon that subject there will be no doubt, for I shall call a person before you to whom the prisoner gave a copy of the pamphlet and he will produce the copy that he gave. Therefore there will be no question but that I may safely call your attention to some expressions in this pamphlet. It purports to be a report of the trial to which I have called your attention, at the Norwich Assizes, in March, 1848, this time twelvemonth. This expression occurs in the pamphlet, "a case of *Jermy v. Jermy*, as to who is the right owner of the Stanfield Hall and Felmingham estates."

It will be convenient that I here state to you what it will be necessary to prove to you that, shortly after the death of the Rev. Mr. Preston, some persons made their claims to the estate, originally, I believe, a person of the name of Larner, and afterwards a person of the name of Jermy. It will be quite foreign to this inquiry to go into the nature of that claim; suffice it to say they did make the claim. Now, this pamphlet purports to contain "the case of *Jermy v. Jermy*, as to who is the right

## James B. Rush.

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owner of the Standfield Hall and Felmingham estates." But the passages to which I particularly invite your attention are the passages in which he speaks of Mr. Jermy, the recorder. I find a passage at the bottom of page 5—"For even if the villain had behaved as he ought to have done, to have acted with common honesty, I should never have done much good, not half so much as I should if I had remained at Dalling." And again—

PRISONER—Will you read that last part again?

Mr. Serjeant BYLES—"For even if the villain had behaved as he ought to have done, to have acted with common honesty, I should never have done much good, not half so much as I should if I had remained at Dalling." Gentlemen, there is another passage—I do not purpose to read to you all the pamphlet—but if the prisoner requires, it shall be read, or any portion he desires.

PRISONER—If any part is to be read, I should wish the whole may be read.

Mr. Serjeant BYLES—By all means. He says afterwards, "and this is no reason why I should be ruined in character by this villain, as well as my property being all swallowed up by him." And again, "This fellow Jermy has no right to this Stanfield property—he knows it, and he knows I know it as well; his whole conduct in keeping possession, and taking the name of Jermy, and his behaviour to those poor people who have a right to it, has been most villainous and disgraceful to any man who can have any pretension to respectability, and which I should be most happy to prove when called on to do so." And again he says, "In concluding the account of the trial will follow a case drawn up so as to show who is the real owner of the Stanfield Hall estate and the means this fellow has taken to keep the real owner out of possession. Why I have published it is that some one who has money may come forward and see that justice may be done to this Mr. Jermy who is the owner, and who is kept out of possession for want of means to employ counsel, and to have the matter brought to trial." And again, "I do hope that some one will come forward and oust this fellow, who has not half so much right to the property as I have, much more the right heir, if it was properly brought forward; and that is why I think everything has turned out for the best, if those poor people should be put into possession through any steps I have now taken, and am about to take." Again, "If there is any truth in the Bible, such villainy is sure to be overtaken, and that when it may be least expected."

Now, I call your attention to the contents of this pamphlet, as showing you two things—the state of the prisoner's mind, and that he contemplated taking some steps with reference to the claim of these persons to the Stanfield Hall property. But I shall also put in a letter in the handwriting of the prisoner, in order to show his feelings towards the late Mr. Jermy. It is dated on the 28th of April, 1848. It is written from the Angel Inn at Islington,

# Opening Statement for the Prosecution.

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and it is addressed to his son, I believe. You will observe the 28th April is after the trial of this cause. He says in this letter, "I have at last got Jermy in a fix, and the rogue and villain knows it as well; how he will act now will soon be seen. At all events he now knows, if he ruins me I can him, or you would not have seen him as you have; but I do not want you to let any one know this, except your wife and her aunt." We have thought it right to furnish the prisoner with a copy of the documents which will be read against him. These two pieces of evidence, you see, therefore, are in writing, or, more properly speaking, one is in writing and one is in print. The action was tried in March, 1848.

In May, 1848, the prisoner became a bankrupt. And here I must tell you that for some time before this period there had been living in the house with him a young person of the name of Emily Sandford. Her father was, I believe, at one time a clerk in a house of very extensive business. He was a person in humble circumstances, but a respectable man, and the prisoner had engaged the services of this young person as a governess to his children. She will be called before you, and she will tell you that in the month of October, 1848, about half a year after this transaction, she was taken by Rush to London. She had been there before; I am wrong in that, she did not go up with him. The lodging was taken in Mylne Street, Pentonville, and she will tell you that on the 3rd of October there was a meeting at the lodging in Mylne Street between Rush and Larner, one of the claimants, Jermy, the other claimant, and, I think, a son of Larner's, and that an agreement was then signed, to the contents of which I shall ask your particular attention. The evidence of Emily Sandford with respect to that transaction will be confirmed by a letter in the handwriting of the prisoner. This letter bears date the 2nd of October, 1848, and it is from Rush to a person of the name of Read, which Mr. Read seems to have been an individual who was disposed to lend his assistance to the claimants, Jermy and Larner. I must ask your attention to that letter. It is dated from Felmingham, on the 2nd October, 1848, and is in these words—it is from Rush to Mr. Read—"Dear sir, I expect to be in town to-morrow, instead of Wednesday, as I wrote you, and as I now think you have got a lawyer"—I presume that is what is meant; it is spelt Layer, the "w" is left out—"who will do all in his power to have justice done to Mr. Jermy, I will at once let you and Jermy know how far I am disposed to assist you. You must, in order that I may do so, have Mr. Jermy up to town to-morrow, Tuesday evening, and you, Mr. Larner, Mr. Larner's eldest son, and Mr. Jermy, must meet me at my lodgings, and I will at once tell you my plan, which I think will give them the estate; there is still one point I must beg to observe, and that is, that no one but us five, and the lady who is going to lend the money to carry my plan into execution, is to know what we are

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doing till I think proper. It will in no way interfere in the course your lawyer is taking, but it will materially assist him, as soon as he has fulfilled his agreement, particularly in recovering the advowson from the man Jermy *alias* Preston. But all this I will explain. You will have Mr. Jermy up, as I shall want his father in Norfolk to take possession, and if you and Mr. Larner think it advisable, after you know my plan, Mr. Larner may come and you will write to say at what time I may expect to see you all, unless Mr. Larner's son should be unable to meet us. Trusting that God, who has hitherto ordered all things for the best, will assist us in this.—I am, yours truly, James Blomfield Rush. *P.S.*—Above all, do not talk in any way to Jermy. I would not have him know; he is a clever man, but must not be trusted in anything we have to do with in this matter.”

I have read that letter to you at length, in order that you may see how far the statement, as to what took place at that interview, is corroborated by what goes before it and what follows after it. I shall show you that on the 3rd of October the parties met together in the lodging at Mylne Street. There were Thomas Jermy, Larner, Charles Larner the younger, and Rush. Emily Sandford also was present, and she was pointed out to Jermy and Larner as the lady that would lend the money. That interview resulted in a written agreement, to which written agreement I now beg to call your attention. It purports to be an agreement made on the 3rd of October between Jermy, that is Thomas Jermy, the claimant, George Larner, Charles Larner, and Rush, and it is an agreement that they shall let the Felmingham farms to him for the term of twenty-one years, from the 11th October, 1848, at the rent of £230. Gentlemen, I do not propose to trouble you with the whole of this. It will be read to you presently. The prisoner, on his part, agrees that he will, as soon as he conveniently can after the signing of this agreement, put Thomas Jermy, the claimant, into possession of the estate, and do all he can legally to assist him in maintaining possession. I ought to have stated to you what, perhaps, I neglected to do, that the title of the Felmingham and Stanfield Hall farms is the same, but that does not apply to the Potash farm.

Then there is a further agreement that another agreement like this should be signed, and all I need say about that is, in order not to encumber the case with any unnecessary observations, that a subsequent agreement was signed between the parties. This agreement being prepared, and Rush being at that time in possession of the Felmingham farm, it was agreed that Thomas Jermy, the claimant, and Larner, should go down to the Felmingham farm, and be put into possession. Accordingly, Thomas Jermy and the elder Larner, on the 4th October, proceeded from Norwich to Felmingham. I believe, gentlemen, that Rush went with them, though not in the same carriage, but in the same train, and they all go down to take possession on the 4th October, 1848. On the

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5th October, next day, Emily Sandford, by Rush's direction, returns from London. She goes down to Norwich, and from Norwich to the Potash farm.

The next date to which I must call your attention is the 10th October. On the 10th October, Rush, Emily Sandford, and a boy of the name of Savory proceeded in a gig from the Potash farm to Stanfield Hall. They proceeded part of their way there, and came to a sort of ditch or dyke, of which you will hear more in the course of this case. Here he stopped the pony and gig; it is late at night—dark; Rush and Emily Sandford, she being unwilling to be left in the gig, proceeded on foot towards Stanfield Hall. She remains at a bridge, which is upon the moat that surrounds part of Stanfield Hall, and he goes in to see Mr. Jermy. What occurred upon that occasion I am not in a position to show you. Rush came out and joined Emily Sandford; they got into the gig again, and went back to Potash farm, and eventually, I believe, Savory drove her that night to Norwich. It will be important to bear in mind that this interview between the late recorder and Rush took place on the 10th October. Sandford first went to the Bowling Green public-house; she then went to the Swan, and afterwards to some lodging kept by a person of the name of Stacey in Theatre Street. When she was at the lodgings at Stacey's, Rush produced to her a paper to sign, that paper being dated the 10th October. Now, gentlemen, you will observe I have already told you that Rush's interest in this farm would expire on the 30th of the then next month, and the agreement which is produced to Emily Sandford is dated the 10th October. She hesitates to sign it. He tells her it is only a copy, and eventually she puts her signature to it. Now, I beg your attention to this document. It is a memorandum of agreement, made this 10th day of October, 1848, by Mr. Isaac Jermy, recorder of the city of Norwich. It says, "I agree for myself, my heirs, administrators, or assigns, to let to James Blomfield Rush, of Felmingham, his heirs, administrators, or assigns, all those two farms lately occupied by Mr. John Rush,<sup>2</sup> and the said James Blomfield Rush, for the term of twelve years from Michaelmas, 1848, at the annual rent of £300, and that a lease and counterpart thereof should be prepared at the expense of the said James Blomfield Rush, his heirs, administrators, and assigns, with the same covenants as are now contained in the lease of the aforesaid John Rush and James Blomfield Rush. And that a clause should be inserted in the said lease that my son, Jermy Jermy, is to have the right of shooting over the said farm, and to have a sitting-room and bedroom provided for him, whenever he might require the same in the shooting season, and that he shall be boarded in the farmhouse, and pay whatever may be reasonable for the same. In witness whereof I have hereunto set my hand. Signed—Isaac Jermy, James Blomfield Rush. Witness—Emily Sandford."

<sup>2</sup> Who had adopted J. B. Rush as his son. See pp. 1 and 5.

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Now, this refers to the Felmingham farm; it is an agreement for a lease of the Felmingham farm. I shall be able to show you that Emily Sandford was afterwards dissatisfied with having signed her name to the document, and I shall show you that she wrote to Rush, and kept a copy of her letter in pencil. I shall show you that he remonstrated with her about writing upon such a subject, and destroyed her copy by tearing it in pieces. On Saturday, the 4th November, Emily Sandford goes back to the Potash farm, but in the meantime Jermy and Larner, who had been down at the Felmingham farm, not much liking, I suppose, to stay there doing nothing, had returned to London. They had returned to London against the will of Rush, though I believe Rush gave them a sovereign towards the expense of their journey back again. On Tuesday, the 21st of November, Rush produced to Emily Sandford some more agreements to be signed. I do not propose to read the whole of those agreements to you, but you will find one of those agreements dated the 10th October, and I think there are two that are dated the 21st November. The one which is dated the 10th October purports to be between Rush and Mr. Jermy; and Mr. Jermy, by that agreement, agrees that Rush shall have the £5000 which had been lent upon the Potash estate for three years beyond the time mentioned in the mortgage deed at 4 per cent. It purports to be signed by Mr. Jermy and Mr. Rush. That is produced to Emily Sandford, and she signs it. They are represented to her to be copies. There is also another agreement produced and signed, under similar circumstances, by which Mr. Jermy is made to agree to cancel the mortgage deeds altogether.

At present I do not trouble you more in detail with those agreements. The fact is this—on the 21st November he is in possession of agreements of this description. Supposing that Thomas Jermy and Larner had continued in possession, he had got from them an agreement for a twenty-one years' lease. Supposing the recorder be in possession of the Felmingham farm, he had got an agreement for a lease by him, purporting to be by him, but as I shall show you, beyond all doubt, not by him; in plain words, a forgery. He had also with respect to the Potash estate two agreements, the one an agreement for postponing the payment of the £5000, and the other an agreement for cancelling the mortgage deed altogether, upon consideration of Rush's assisting Mr. Jermy, the recorder, to retain possession of the Stanfield Hall property. That was the situation in which the prisoner found himself on Tuesday, 21st November. He had in his possession agreements purporting to be signed by Jermy, really not signed by Jermy—I mean by Mr. Jermy, the deceased recorder—really not signed by him, agreements which I think I am justified in saying would be produced with much more likelihood of proving effectual after Mr. Jermy's decease than during his life.

We now approach the verge of the transaction to which your

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attention will be more particularly called, and I have only made these preliminary statements in order that you might see, as clearly as I could make you see, the situation in which the parties stood. I shall show you that about this time the prisoner was in the habit of going out by night, after dark. We are now, you know, in the month of November. I do not propose to trouble you, in my statement at all events, with any detail of what took place before the night in question. I must, however, state thus much—that it will clearly appear before you that on Friday night, the 24th, not for the first time, he went out after tea and continued out very late, and there are many circumstances on that evening, if they should be inquired into, which possibly may be deserving of your attention. But this case is so full of minute details that without great care on our part we shall be apt to overburden you with things which will be entirely superfluous, and that is the reason why I do not trouble you more minutely with these details. He went out, as I have said, on Friday, the 24th, as he had gone out on several occasions before. He went out also on the night of Monday. I must also mention one or two circumstances that occurred on the Monday. There was to have been on the Tuesday night, the 28th, a concert at Norwich, and he had taken a family ticket to go to that concert. On the Monday, his son, who was living at the Potash farm with him, left to go to Norwich, and his son's wife also went. They went first of all to Felmingham. There was a female servant in the Potash house, and for some reason or other she also went, leaving on the Monday night the only persons in the house proper Rush and Emily Sandford. A charwoman was to come on the Tuesday morning. Rush, on the Monday night, after tea, went out as usual, and was out for some time, and returned late.

And now, gentlemen, I have brought you to Tuesday, the 28th. I shall be able to show you that on Tuesday, the 28th, I think about half-past four o'clock in the afternoon, Rush inquired of a person of the name of Cooper, a Mrs. Cooper, whether Mr. Jermy was at home. Rush and Emily Sandford dined that day at the usual hour. Emily Sandford laid the cloth; I believe he asked what time dinner would be ready. Emily Sandford said it would soon be ready, and he said, "there is just time for me to go into the garden and fire off my gun." He accordingly went into the garden, and discharged his gun, and then went in to dinner. At half-past four he had inquired whether Mr. Jermy was at home; at half-past five they sat down to tea; they are alone in the house, for the charwoman had come at seven in the morning and left about eleven. At tea Emily Sandford observed the prisoner to be a good deal agitated, and he said, in answer to her inquiry, "I have been thinking a good deal about the story we read the other day of the Scottish chief," alluding to a well-known story of Robert Bruce before the Battle of Bannockburn. "He lay upon his back and saw a spider, which had suspended itself from

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the ceiling, swinging itself with a view apparently of reaching a beam. The insect tried six times, and succeeded the seventh time, and then said the Scottish chief, 'I have tried six times, and, as the insect tried six times and succeeded the seventh, I also shall succeed.' " I am told it will be proved the prisoner said, "I have tried several times; I think I have tried five or six times, and the next time, perhaps, I shall be successful." Emily Sandford expressed her alarm—"What can this mean? It must be something more than poachers." He had stated that he had been out after poachers, and he said, "I should like you better if you don't ask me why," or words to that effect. She observed him to be extremely agitated, and even supposed him to be in tears. Tea being over, he left the room, and went upstairs to his bedroom. He came back from his bedroom and went out some time between seven and eight o'clock. She heard him go out, but nobody saw him go out. You will hear from her, and I would rather you should hear from her any expression which fell from him about his going out. This was between seven and eight o'clock on the Tuesday night. This model represents Potash farm (pointing to a model of the farmhouse on the table)—the parlour is here<sup>3</sup>—this is the door by which he went out and returned—the bedroom window is on the other side. Now, in going from the Potash farm towards Mr. Jermy's mansion, which lies at a distance of about a mile, less by one way and more by another, he would have to pass—having traversed the yard, which is covered with straw in its ordinary condition—he would have to pass through what is called in this county a loke, a loke being, as I am informed, a road from the homestead to the fields. That loke was littered with straw. I do not think there is anything in that which should prejudice the prisoner, because, as I understand, the loke before had been littered with straw. His nearest path towards Mr. Jermy's house was by the side of some fields, over a bank, but it will be extremely important for you to bear in mind that a portion of that path, which had never before been littered with straw, had been littered with straw by the prisoner's direction, and that that straw ceased where the green sward began, so that the prisoner could walk from his house towards the late Mr. Jermy's dwelling—first of all through the straw yard, then along the littered walk, then along the litter which had been laid by the side of the field, until he got to the green sward, and then upon the hard gravel in front of Mr. Jermy's dwelling, where no trace of footsteps could be discovered.

At this time the late Mr. Jermy, dinner being over, was sitting in the dining-room alone; his son and his son's wife had left the dining-room and were in the drawing-room; they were about preparing for tea, and I believe for a game at piquet, the cards being upon the table. The elder Mr. Jermy, into the circum-

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<sup>3</sup> See plan, p. 87, and view, p. 181.



Plan of the Stanfield Hall Estate, showing the Route Rush is supposed to have taken.

A—Road to Wymondham.

B—Potash Farm.

C—The Lane where straw was laid.

D—The flat Hedge.

E—Meadow.

F—Stanfield Hall and Moat.

G—Lodge Gate.

H—Road to Wymondham from Carlton.

I—Mr. Colman's Farm and Lodge Gate.



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stances of whose death we are now inquiring, left the dining-room. He proceeded first through the staircase hall, and then through the entrance hall to a porch that is in front of the mansion. I need not state to you certain circumstances which will appear in evidence, but it will be perfectly clear that the moment he reached the porch some person very near him, probably standing between the porch and the window, for there were marks of feet there, standing certainly in the immediate vicinity of the porch, presented a gun, or more probably a pistol, to his breast. It was loaded with slugs; it shot him instantly through the heart; being discharged close to it, it nearly blew the heart to pieces; the slugs were even lodged in the muscles and integuments of the body; several of the ribs were broken. He fell down upon the door mat and instantly expired. Then, immediately after, at the side door of that mansion, entered a man of the size, and height, and shape, and character of the prisoner. I should have told you that the prisoner was in the constant habit of coming to this house. He was in the habit of coming in without rapping. At the side door at which the prisoner usually entered came in this man with a cloak on, and armed with firearms. Whether those firearms were a short gun or guns, or whether they were a brace of double-barrelled pistols, I will not undertake to say. I decline to tie myself to any hypothesis on the subject. I have a notion of what it was. I should rather suppose it was a brace of pistols, but I cannot tell; neither is it important to inquire. He came in with a cloak, and the witnesses will tell you they saw one of these guns or pistols; another, I believe, will say he saw two. The man went along the passage, and, as he was going along, he dropped the two papers that I hold in my hand, to the contents of which I shall beg presently to call your very particular attention. He had to pass a side passage, where he saw the butler, a man named Watson; he pushed him with his elbow out of the way as he passed him, and walked to the door which leads into the staircase hall. Mr. and Mrs. Jermy had heard the report of the shot outside the door. Young Mr. Jermy was proceeding towards the part of the house where the sounds were heard. As the door was opened young Mr. Jermy, coming through the door from the hall on one side, and the armed man, whoever he was, going into the hall on the other, they met at the door. A gun, or pistol, was presented at the breast of young Mr. Jermy; was fired; the slugs passed through the lapel of his coat, making scarcely any hole at all; so near must the pistol have been that nothing could be perceived of any external injury. He fell dead in the hall. Mrs. Jermy up to this time had remained in the drawing-room; she immediately came out into the hall, and saw the dead body of her husband. On this the female servant, who will be called as a witness before you, a person of the name of Eliza Chastney, hearing her mistress screaming for help, ran up to her, took hold of her by the waist and cried, "Oh! my dear mistress." At this moment the armed

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man was seen again, coming out of the dining-room or from the direction of the dining-room. These two females were opposite to him. He fired again, and the shot hit the leg of the servant, and to do that, he being at no very great distance, the gun or pistol would have to be a little inclined. He fired again immediately afterwards, and hit Mrs. Jermy in the arm. She now lies upon a bed of suffering, and it will not therefore be possible for me to produce her as a witness before you. The man then proceeded back along the passage, and went out again by the same door, but not until some observation had been made by the servants, to which I shall presently call your particular attention.

About nine o'clock Rush's knock was heard by Sandford at his own door. She did not see him come in. He went upstairs into his own room, and after a short interval came down again with his boots, his stocking about his heels, and I think with his coat off, and he said, among many other things, to Emily Sandford, for I do not propose to repeat the whole conversation, "If any inquiry should be made, you say that I was not out more than ten minutes." He told her to make haste, and put out her light, and go to bed as soon as she could. She went up into his room, and she asked him where she should sleep; and he told her she was to sleep in her own room—for the first time for a considerable length of time—for, among other misfortunes incurred by this young lady, it will be but too apparent that there was an improper connection between her and Rush. She went to bed.

I must now trouble you to go back with me for a moment or two to Stanfield Hall. In consequence of what the servants saw, messengers were immediately despatched for the police to Norwich, and they were at once sent to Rush's house. Several of them went there, and watched the house, stationing themselves at intervals, to take care that nobody left the house. The surgeons came. The dead bodies of the two Messrs. Jermy were carried into the dining-room and laid there, and the surgeons will give you some important evidence as to the way by which they came to their death and the distance at which the shots were fired. The police watched the vicinity of Potash farm. About half-past two in the morning Rush rapped at Emily Sandford's door and desired to be let in. The door had been fastened. She got up and unlocked the door and let him in, and he then said, "Now, you be firm, but remember that I was out only ten minutes." She was extremely agitated, and began to inquire what was the matter. She could get no information from him, only that she would hear something in the morning. She took hold of his hand, and she observed that he trembled violently. She was in a state of the utmost alarm, but having no conception whatever of anything having occurred like what I have been detailing to you; and she also began to tremble violently, so much so that he said he thought she must have the ague, and he went and fetched a greatcoat to lay upon her bed. The police continued to watch till towards

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morning. The first person they saw come down from a place behind the house was the boy Savory, for, properly speaking, the boy did not sleep in the house. They afterwards went in and apprehended Rush. There are some statements made of what took place between Rush and the police that are deserving of your attention. I am told that he himself mentioned the hour at which this dreadful transaction took place, no one having before suggested it. But, with respect to evidence of this kind, I had much rather you should hear it from the policemen than state it positively myself, because it is certainly not impossible that something may have been dropped about the hour, though I am told it is not so. They searched the house. They found a closet in which were two guns, loaded; one of them with barrels shorter than the other. They found a lantern; no lantern was seen upon this occasion, but there will be some evidence before you that upon a prior occasion a man with a lantern was seen late at night upon the grass before Mr. Jermy's house. They found two cloaks, and one of those cloaks will deserve your attention—it had formerly been a woman's cloak, and had been dyed black, it being before of another colour; it had, in the original state, a hood, which had been converted into a cape. They found some bullets, and they found some shot; and they found a wig, with whiskers to it, and some other things, with which perhaps it is scarcely necessary that I should trouble you.

Now, I beg to call your attention a little more in detail to what had taken place at the Hall. I did not interrupt the course of my narration before to state to you these particulars, but I will now state to you what the inmates of the place did see. I shall be able to call before you the girl who was shot, Chastney; she is unable to stand or walk, but arrangements have been made by which she will be brought before you. She saw the man who fired—there was a light in the dining-room behind. I think it will appear there was another light behind; she does not pretend to say she saw his face, but she knew the prisoner perfectly well; she knew his shape, his size, his general appearance, and his gait; she will tell you whether she believes now, and whether she believed then, that the prisoner was the man. In addition, I will call the butler, Watson, whom he passed by and nearly touched, if not quite, with his arm. I had rather not state what the butler will say; he will tell you whether or not this was Rush. I will also call before you the cook, who was standing in the servants' hall; her exact position will be described; she saw the man pass; she not only noticed him, but she particularly took notice of the cloak that he had on, and of the cape to that cloak. She also will tell you whether Rush was the man. What they said at the time is not evidence; but what they did at the time is. In consequence of their impressions at that time, the Norwich police were sent to Rush's house. The direct evidence against the prisoner, therefore, will be the testimony, such as I have described and which you will hear, of Watson, of Chastney, and of Read, the cook.

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But now, gentlemen, I beg to call your most particular attention to another piece of direct evidence, and it is this—two papers were left by the murderer; they have not yet been read. They are written in a large hand, and, as you will presently find, in a disguised hand. They are both alike, or nearly alike, and I shall particularly ask your attention to the substance upon which they are written; it is apparently the outside cover of a book, an account book, or something of that kind. I will read them to you—"There are seven of us, three of us outside and four of us inside the hall, all armed as you see us two—if any of you servants offer to leave the premises or to follow us, you will be shot dead; therefore all of you keep in the servants' hall, and you nor any one else will take any harm, for we are only come to take possession of the Stanfield Hall property.—Thomas Jermy, the owner." You will, after what I have stated in the opening of my address to you, know that Thomas Jermy had been down at the Felmingham farm. It is very true he had gone back to London, and that other man who was with him, Larner. By whomsoever this paper was left, it was unquestionably a blind; it was intended to make the parties in the house believe that the parties who perpetrated the outrage were Thomas Jermy and another man—"there are two of us here"—I am afraid that rather means Jermy and Larner—"there are two of us here." I will call before you that Thomas Jermy. I am told he is an inoffensive man, verging upon seventy years of age, and you will learn from him that, so far from his having anything to do with it, he and Larner had both returned to London. Whatever person put this paper down intended to throw the blame of this transaction upon an innocent person. It begins also with another blind—"there are seven of us here." You will learn in the course of the case whether there is any more truth in that than in the expression "us two."

I shall call a person intimately acquainted with the handwriting of the prisoner. The evidence which I shall give you is not ordinary evidence, but the evidence of a person who has been accustomed to see him write for hours together. He will tell you that, though this is a disguised hand, he believes that it is Rush's handwriting. He will be subjected to cross-examination. The prisoner will be at liberty to ask him reasons. It will be for you to judge, and possibly before the end of this case you will be in a position to decide whether or no these reasons are satisfactory. The paper, therefore, will first of all be direct evidence on the ground that we propose to prove Rush's handwriting; when I say prove, you, gentlemen, who have sat on juries before, very well know that it is impossible, and that it is not the custom to call a witness to swear positively to handwriting; because, even if your own handwriting were presented before you, you could only say you believe it to be yours. There is another piece of evidence; you will please to observe that these two pieces of

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paper appear to be—they will be put into your hands and you will see whether they are or are not—parts of the same book. Among the documents found in the possession of the prisoner were two books. At the bottom of them is—"Mercantile accounts by single entry—bought ledger—Jarrold and Sons, 1.—Mercantile account by single entry, Jarrold and Sons, 2." I shall call those gentlemen before you, and they will tell you that the marble covers of these books, though not the same colour, are otherwise the same, sometimes of one colour and sometimes of another. They are sold in sets of three—here are two found, but not the third. You will observe, also, that they have a white label upon them. If you look at the papers you will see the place where a white label has been and has been scratched off—it corresponds in size with the white label which should be there; but, its being scratched off, we cannot read it, and, of course, cannot tell you whether it is or is not the same label. The second observation, therefore, with respect to the papers dropped in the hall is this—I shall give you evidence that the writing is upon the cover of a book, a like book to which Rush had, and which book now, for some reason, to us unexplained, is missing. What has become of the inside of that book I do not know, but Emily Sandford will tell you that when she went up into his room the second time that night there was a bright fire burning in his grate, which would give him the means of disposing of the inside of the book. I may as well mention it here, with respect to the boots, that he went up at night with his boots; he came down without his boots. What has become of those boots we have not been able to discover, but we have ascertained this, that boots, as well as paper, are capable of being entirely destroyed by an ordinary fire. These papers, then, will be the second branch of the direct evidence against the prisoner. The first will be the testimony of the people at the Hall; and the second, the papers that were left.

The person who committed this crime must have been a person who knew the house; it was undoubtedly a person of the size and shape of the prisoner. It will be clear to you that the prisoner was from home at the time. I am afraid that, when the prisoner comes to make his defence to you, you will require a satisfactory answer to this question—where was the prisoner during the time that he was absent from his home on that and on the previous occasions? Gentlemen, I shall say no more to you on the subject of motive or on the subject of the threats; but you will also ask yourself this question—the *corpus delicti*—the fact of the murder being perfectly clear, and I calling before you both Jermy and Larnier to exculpate themselves—who else is or can be suspected?

I shall call before you a very important witness in this case—the young person, Emily Sandford—and I should not be doing my duty to the prosecution if I did not state to you the circumstances upon which I rely for the confirmation of her testimony.

## James B. Rush.

### Serjeant Byles

You will learn from her that she stated that Rush had told her that he kept his papers in a secret place under the floor of a closet, known only to his mother and himself. In consequence of her statement, search was made under the floor of that closet, and where she stated, there the papers were found. I shall show her evidence corroborated by the letter to which I have already alluded, which was written relating to the interview in Mylne Street. There is another fact which I must state; she, before the magistrates, stated upon her earliest examination a portion but not the whole of what I have now stated. She afterwards stated a most important fact, that Rush desired her to say he had been out only ten minutes. I shall show that Rush was excessively incensed against her for making that statement, which went to his life, and would well account for any degree of exasperation he might display against her. You will learn what his conduct was, but I will show you that afterwards, although he knew she had made this statement, he wrote a letter to her, and you will have to judge whether this letter to Emily Sandford be or be not consistent with the supposition that Rush knew that she had been swearing against him that which was most material and utterly false, for the letter is dated from Norwich, and it begins thus—"I am sorry I used the language I did when I last saw you; but I hope you know enough of my temper to believe me, when I tell you, you have nothing to fear from my bad wishes, either from what may have been said or the unjust accusation against me. You will always have my best wishes both for the happiness of yourself and our child. Write only a few words to acknowledge the receipt of this, for we are not allowed to say more." That letter was intercepted, and will be laid before you.

There are a few more observations which I must make with respect to some minute circumstances in the case. When the man fired at the two women, the first person wounded was wounded in the leg, and I told you possibly when the shot was fired the pistol or gun would be a little inclined. There was found a ramrod. That ramrod is too short for either of the guns that are found; indeed, they do not want ramrods. That ramrod would rather appear to have belonged to a carbine or large pistol, either single or double-barrelled. We cannot tell. I beg to repeat again what I said before—it is immaterial with what instrument of death this transaction was accomplished. We will show you what was found, and will give all the information it is in our power to lay before you.

Gentlemen, that is the case. My learned friend reminds me that there is an observation which perhaps I ought to have made, but I rather prefer, as far as I can, to state facts than make observations; but it is an observation which I ought to have made. I have told you that the man who did the deed had a cloak on. I will show you that that which the witness supposed to be the cloak was in possession of Rush, but I cannot tell you how Rush

# Opening Statement for the Prosecution.

Serjeant Byles

was dressed when he went out, or how he was dressed when he returned: for this reason, that he went out when Emily Sandford was in the parlour, and did not come in until she, having opened the door, had returned back again.

This, gentlemen, is an outline of the case. It consists, first of all, of direct evidence, and it consists also of that which sometimes is the only evidence that in a case of this kind can be brought before a jury, namely, circumstantial evidence; because, when people meditate crimes like this, of course, they will take care to surround themselves with all those circumstances which will conduce to secrecy. That is so in this case. It is sometimes impossible to bring any direct evidence before a jury. Gentlemen, you have heard a great deal about this case. You will dismiss all you have heard from your minds and attend only to the evidence. The prisoner has a right to require of you that you should sift the evidence minutely, and if you entertain, not any fanciful and capricious, but any reasonable and solid doubt, you will give him the benefit of it. Gentlemen, you have a duty to discharge to the public also. Society, which otherwise would fall back into its original barbarism, expects that outrages like this should be repressed by the iron hand of the law. This is a case of unusual publicity. The eye not only of this great assembly but I may say of your countrymen are upon you. That will not influence you further than to make you more anxious to discharge your duty and to adhere to the golden rule of human conduct, which, believe me, is this, to do one's duty and to brave the consequences.

## Evidence for the Prosecution.

PRISONER—Witnesses are now about to be examined, and I must be allowed to say that it is most important that witnesses should not be allowed to remain in Court, and I hope your lordship will allow me the indulgence of their being ordered out of Court, and that they may be separated out of Court and kept in a room by themselves.

Mr. Baron ROLFE—There are arrangements made on this point, and I have no doubt the very best. Still, I think the medical men and the attorneys should be present, unless sufficient reasons to the contrary are shown.

PRISONER—There are two attorneys for the prosecution, and I do wish that Mr. Cann<sup>4</sup> should be kept out of Court. Mr. Hartcup might remain, but I cannot allow Mr. Cann. The evidence of Mr. Cann is most material. He shall not be here.

Mr. Serjeant BYLES here said that, as the prisoner had made

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<sup>4</sup> Mr. John Stevenson Cann.

# James B. Rush.

**Robert Kerr**

the request, he was ready to comply with it as far as the prosecution was concerned.

All the witnesses were then ordered out of Court.

**ROBERT KERR**, examined by **Mr. PRENDERGAST**.—I am an architect in Norwich. I constructed a model of Stanfield Hall and of the Potash farm. The ground plans of Stanfield and the grounds, and also of Potash farm and the lands, are correct. There is also a plan of the first floor of Potash.

**JAMES DRANE**, examined by **Mr. EVANS**.—I am a surveyor in Norwich. I made plans of a part of Stanfield Hall estate and of the Potash farm. To the farmhouse by the direct roadway will be 1589 yards. From Stanfield to Potash by the Ketteringham road is 1 mile 5 furlongs 161 yards. By the Wymondham Lodge the distance is 2 miles 2 furlongs and 4 yards.

**PRISONER**.—Will you now call Mr. John Cann, my lord?

**Mr. Baron ROLFE**.—If you wish it, but, if you adopt this course now, you will not know to what points to direct your cross-examination.

**JOHN STEVENSON CANN**, examined by **Mr. PRENDERGAST**.—On 2nd December I went to the Potash farm. Superintendents Hubbersty and Witherford were with me. I went into the parlour. I went to a closet there. A board was moved by Witherford in the closet floor. I took out a box. I took possession of the box and unlocked it the following day, by getting a key made. I then found a number of documents there. I found another at Felmingham, in the prisoner's house, on the 5th December; this last was found by me in a carpet bag, in an iron chest. I found the draft of a letter, dated 19th April, 1848, either in the carpet bag or in the locked-up closet. I found a letter from a Mr. Read, dated 22nd July, 1848. At Potash I found a notice, dated 12th October, 1848, signed Thomas Jermy; a notice dated 19th May, 1848; a letter of the 14th October, 1848, addressed to the prisoner by a person named Read; a letter dated 19th September, 1848, from Read to the prisoner; a notice dated 23rd October, 1848. I have two notices signed by the prisoner, one dated in the month of October, 1848, and the other of the 26th of October, a letter from Read to the prisoner, dated 3rd September, 1848.

Cross-examined by the **PRISONER**.—How many examinations of witnesses did you take the day after the murder at Stanfield Hall?—But one, I think.

What were they?—There was the evidence of Watson, and also Mrs. Jermy and Chastney.

Was there nobody else? What notes were taken of Watson before you saw me?—I do not know that any examination of Watson was taken before you were examined. I was told that

## Evidence for Prosecution.

John Stevenson Cann

notes of some kind had been taken, but I did not take them. I took something down before I saw you, but it was re-set down when you came in.

What time were they taken?—About one o'clock—a portion only. The examination was then discontinued until you came in, when they were taken afresh.

Did not you take down what Miss Sandford, or the person named Emily James, said on that day?—No, I did not.

Are you sure of this?—I did not then hear anything she had to say of what took place on the 28th. The night of the murder I took down what Watson said at one o'clock.

Was it by candle or daylight?—I cannot answer; I know Watson's examination continued after candle light. I left between eleven and twelve. I saw Emily Sandford. I should think she left an hour before. I was at the Hall the night after the murder, between nine and ten o'clock. I saw no examination taken down in writing that night. I was not in the brown parlour, the room at the right-hand side from the passage. I heard Watson give a particular description of the man he saw at the Hall that night. I can't say positively in which room it was, but think it was in his pantry. That was between ten and eleven. He did not give any description of the man's dress that night, either to me or in my hearing; nor of anything the man had on, nor anything else. There was nothing taken down that night. I left about twelve, and did not return till four in the morning.

When did you hear of what evidence Miss Sandford had to give about the papers?—There were no questions asked about the papers that I recollect. I heard nothing about those papers till I took them the following day. She said she had written some papers.

Mr. Baron ROLFE—I do not like to stop you, but, as you have no counsel, I would suggest whether this be material.

*Cross-examination continued*—What did I tell you in confidence when acting for me as solicitor after Emily Sandford had given her evidence on this business about it being highly necessary that some one should go to Potash farm if you had not time to go yourself?—You said something about your objecting to your papers being pulled about by the police officers generally.

Did you make a promise to me that the locks and papers and other things of consequence at the Potash farm should not be interfered with except by people in authority, such as Colonel Oakes, your father, or yourself?—You stated you had no objection to my father taking them.

Did not you say if any papers were taken I should have an inventory of what were taken?—I believe I did at that time.

What had you heard, and what instructions had you had on Friday, 1st December, when you came into the room with Mr. Waugh as to acting as my solicitor?—I never was your solicitor.

I never gave you instructions?—Certainly not.

## James B. Rush.

John Stevenson Cann

Mr. Baron ROLFE—There may be no end to such inquiries as these. A great deal of this is evidence that could not be admitted if you had employed counsel, but I do not wish to be strict with you. You want to show that he was, or that you thought he was, acting as your solicitor. Witness says he never was employed by you as his solicitor; and not only that, but, when you said something about it, he said, "I am in a situation that renders it impossible that I should be your solicitor."

*Cross-examination continued*—Did Mr. Waugh tell you you were acting as my solicitor?—No.

Did you make the least objection to Mr. Waugh to act as my solicitor, or say you were not acting as my solicitor?—No.

Did not Mr. Waugh tell me, in your presence, I could not be in better hands than with you acting as my solicitor?—No; I did not hear a word of it. I can tell you what Mr. Waugh said. He advised you to have a solicitor, and (to the judge) he (Rush) said he should have no solicitor till after he was committed, and that would be time enough.

Did not I tell you, after Waugh left, that I had no money to pay you, but you could take my watch, which would secure you to the time of trial?—No.

By Mr. Baron ROLFE—Did he give you the watch as security for costs to become due?—No.

*Cross-examination continued*—When Miss Sandford was cross-examined by me on the 13th December and by the magistrates on 14th, and again on 5th January, did you sit so as to prevent Miss Sandford seeing me?—I don't know.

Was nothing said about it?—I think I was told to move my chair. You were very violent, and said you wished to remove your chair.

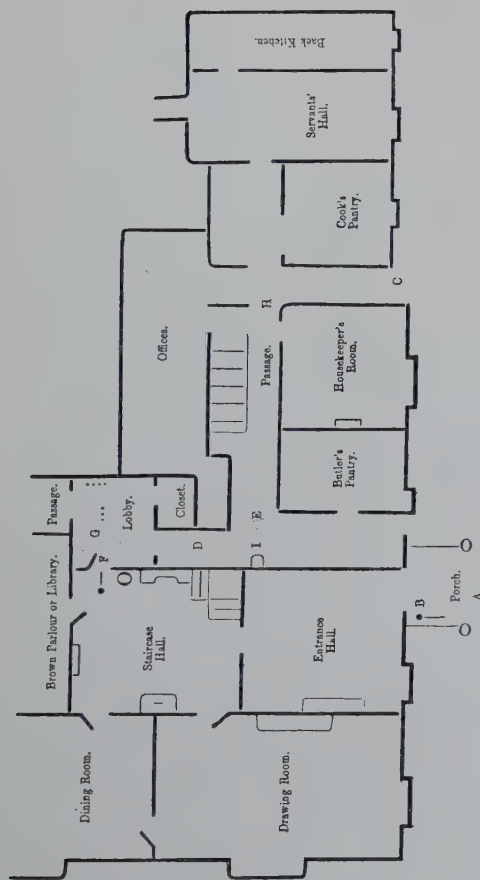
Don't you, of your own knowledge, know that the magistrates were so placed as to prevent our seeing each other when I cross-examined her?—I believe the object was to protect the witness.

Did not the magistrates refuse to let me put the questions to Miss Sandford myself on the cross-examinations?—Sometimes.

Were not instructions given to me that I was not to put any questions to Miss Sandford myself, but must do so through them?—I cannot say they did always, but after your conduct was so violent they found it necessary.

Did not I complain that you turned round to speak to Miss Sandford, when she answered a question relating to yourself, as to what had taken place between you and her respecting her depositions?—I think you did once, when she made a mistake, of which I reminded her. You turned round and complained.

God's arm is strong; you are a young man; it is most awful to hear you. The question I put was, whether you did not take her deposition down in writing—she gave an answer to a question, and did you not turn round and tell her it was not correct? Yes,



Stanfield Hall. Ground Floor Plan.

- A—Entrance Porch by which Mr. Jermy had gone out, and where his body was found.  
 B—The Spot where Mr. Jermy fell.  
 C—Side door by which Rush entered the House.  
 D—The short passage towards the Staircase Hall.  
 G—Where Mrs. Jermy was shot.  
 H—Long passage.  
 I—The lamp.
- E—The point where Rush was seen by the Servant who had come down stairs.  
 F—Door where Rush was when he met Mr Jermy, jun.  
 •—The spot where Mr. Jermy, jun., fell.



# Evidence for Prosecution.

John Stevenson Cann

you turned round and told her she was wrong?—I believe I did turn round and say you are mistaken.

Mr. Baron ROLFE—Had it not been for your own questions we should not have known that you were so violent.

PRISONER—Good God! If, when you are about to question a person who has given evidence against you, you are told that she must not answer, is it not enough to make you violent?

Mr. Baron ROLFE—I must now tell you that if you had been better informed with respect to legal proceedings I should have stopped you when you put many of the questions you have asked; but as you are conducting your own case, I have allowed you to proceed further than I should otherwise have done.

*Cross-examination continued*—How often have you been to examine Emily Sandford at the Bridewell during the last three or four weeks?—Three or four times.

Did you examine her each time?—She furnished me with a written statement.

And from that statement did you prepare her evidence?—I cannot say that I prepared it from that statement alone.

Re-examined by Mr. PRENDERGAST—I found these two books in the closet at Potash farm. I found no other books of a similar description. When the prisoner gave me his watch he said, “You may as well take this.” A short time before he had been to my office and told me to make out his account, and said he should give me some money. I should say £16 or £18 was due to me. This was in November. I did not see him after he said he would give me some money until he was apprehended. He then said, “You may as well take this (watch), as I owe you some money.”

JAMES WATSON, examined by Mr. Serjeant BYLES<sup>5</sup>—I was in the service of the late Mr. Jermy as butler at Stanfield Hall. I came last May. I know the prisoner Rush. He was often at the Hall. He used to come in at the side door when he visited the Hall. There is a bell to that door, but he used to enter without ringing. He used to come into the servants' hall. During the time I lived there I have seen him in other rooms of the house. He knew the house. The dining-room and drawing-room open into each other, and then into the staircase hall. The dinner hour used to be six o'clock. I do not know that on the evening of 28th November young Mr. Jermy and Mrs. Jermy left the room earlier than usual. At that time Mr. Jermy was living at the Hall, also young Mr. Jermy and his wife, and Miss Jermy, a daughter of the Recorder, aged about fourteen. There was another male servant living in the house besides myself as groom. There were six female servants. The cook's name was Read, and that of the housemaid Chastney. There was a lamp in the staircase hall

<sup>5</sup> The evidence of this and some other after witnesses is clear if reference is made to plan opposite p. 71.

## James B. Rush.

James Watson

with a reflector. There was also a lamp at the end of the passage before turning into my pantry. There were two wax candles in the dining-room. There was no light in the entrance hall. There was a fire in the fireplace in the staircase hall. After dinner I have known Mr. Jermy go to the outer porch door for a short time. He frequently did this. On the evening of the 28th of November, while in my pantry, about a quarter-past eight, I heard a report. The noise appeared to come from the front of the house. My pantry is in the front of the building near to the porch. When I heard the report I went out of my pantry about 5 or 6 feet toward the passage. There is a corner here where two passages meet. As I was at the corner of the two passages I could see the door leading into the staircase hall. When I was standing in this position I saw a man coming from the direction of the side door. He was opposite to where I was standing. He passed me at about the distance of 3 feet. As he passed me he moved his left elbow. He went to the staircase hall door, which opened into the lobby—the hinges turned from me. Mr. Isaac Jermy Jermy opened the door. I saw him at the door coming in a direction from the staircase hall towards the passage. The man might be about 3 feet from the door as Mr. Jermy came out. I saw him point a gun or pistol at Mr. Jermy Jermy. He then fired, and Mr. Jermy Jermy fell down backwards into the staircase hall upon a mat which was there. I then ran back into my pantry. While there I heard some one run out of the servants' room in the direction of the lobby. It was a light foot, like a female's, and she was screaming. After the screaming I heard two more reports. They followed each other in quick succession. On my hearing these two reports I went out of the pantry towards the place where young Mr. Jermy was lying. After the reports were fired I saw Mrs. Jermy running. She was wounded, as I afterwards ascertained, in the arm. I saw Chastney, wounded, lying in the lobby opposite the door to the staircase hall. On the wall there are now the marks made by the discharge of the guns or pistols. Chastney was lying on the ground. She was screaming. I did not see the man again, nor did I see him leave the Hall, and from my own knowledge I do not know at which door he did go out. The head of Mr. Jermy, jun., was lying near the door, his body on the mat. He was dead. I procured assistance, and then I found the body of Mr. Jermy in the porch. He was then dead. The wound was on the left-hand side. When I first saw the man in the passage I saw him drop two papers. They were dropped in the long passage. I saw one picked up. They had covers like these. (The two book covers were produced.) The man was low in stature and stout. He was short. I could not see his face. He had something over his face. I can't tell what it was. There was light enough for me to see the man's gait and general appearance.

# Evidence for Prosecution.

James Watson

Who was that man?—I believe that man was the prisoner Rush.

PRISONER—I think that a very improper way of putting the question.

Mr. Baron ROLFE—I think it is a very proper question, and properly put.

*Examination continued*—At the time—I mean when you first saw the man in the passage, and he moved his elbow up—who did you think it was?—At the moment it struck me it was the prisoner Rush.

Did you make any observation as to how the man was dressed?—He had a dark cloak on, which covered his dress. The cloak was long enough to cover his arms. I saw him fire at Mr. Jermy. He had two weapons in his hands. It struck me at the time they were pistols—large pistols.

Cross-examined by the PRISONER—On the night of the 28th, at the time I heard the report, I was putting the plate away. A few seconds elapsed before I went out. I was 4 or 5 feet from the corner when I met the man in the passage. The man had not turned the corner. He was about turning it. I was 5 or 6 feet from the pantry door.

Were you examined or questioned on the night of the murder as to what you knew about it?—There were a few words asked me. Some were written down, but very little.

Do you remember what you said that night about the man having something on his face?—No, I do not.

When was the first time you were examined?—On the Wednesday after the murder.

Did you not then say something about the man having a mask on?—I was examined only before you. I do not remember hearing anything about a mask. I am ready to swear that I had not heard anything about a mask on the Wednesday. I do not recollect seeing the man's eyes.

Were you not shown a cloak?—I do not remember.

Did you see the man take his arm from under the cloak at the time he shot your young master?—No.

Have you not said he held his arms under the cloak?—No, I have not.

My lord, I shall show from the depositions that he did.

Mr. Baron ROLFE—Let me, for your instruction, give you this notice, that if you have the depositions put in and read, the learned counsel will have the opportunity of reply.

[The depositions taken before the magistrates and the coroner were then read by the clerk of the Court.]

Mr. Baron ROLFE—You may now ask the witness any questions, where you think there is any discrepancy in the evidence he has just given and what he has stated at a former time.

*Cross-examination continued*—Now, Watson, I will ask you,

# James B. Rush.

James Watson

did you say that you saw the man take his arm from under his cloak at the time he shot your young master?—No; I did not.

Did the cloak cover his arms?—Yes.

When you saw Mrs. Jermy in the passage did you know she was wounded?—No. I did not see the man after he fired at Mr. Jermy, jun.

Who did you see; did you see the man after he had fired at Chastney?—No.

How long were you removing Chastney to the foot of the back staircase?—A minute or two.

How long was it after the report that you saw Mr. Jermy's body?—It was when a gig came up.

Did you see the man's hands when you met him in the passage?—No. I saw that he had a pistol in each hand. I do not know whether his hands were up or down. When I saw the firearms, from under the cloak, it was my impression that they were pistols. When I saw the man fire with one hand I do not know where the other was. I do not know whether his arms were up or down.

You have said Mr. Jermy said he would not see me?—I have.

How long before the murder was this?—Five or six weeks.

How many times had I spoken to Mr. Jermy from that time till the murder was committed?—I don't know how many times, but you have frequently asked me to see him. I cannot say you have been four times. You were there on the Sunday before the murder.

You know Mr. Jermy and myself were at law?—I heard so.

Has Mr. Jermy never said anything about this in your hearing?—No.

Nor young Mr. Jermy?—No.

Don't you know I was turned off a farm?—No; I heard so.

Re-examined by Serjeant BILES—The night was dark and a blowing night. A wig was put on a man I did not know, and it was then I said what I did about the look of the man I saw in the passage.

ELIZA CHASTNEY,<sup>6</sup> examined by Mr. PRENDERGAST—I was housemaid in Stanfield Hall in November last. On 28th November, about eight o'clock, I heard a gun, then another, and then a groan. I went to the passage between the staircase hall and the pantry. I saw my mistress, Mrs. Jermy. I threw my left arm round her waist, and took her right hand in mine, and said, "My dear mistress, what is the matter?" She was going back towards the staircase hall. I also went, and when I got as far as the staircase hall—there I

<sup>6</sup> On being brought in and the witness-box removed, this witness was placed on the spot, lying recumbent on a carriage made for the purpose, in appearance like a crib used for the repose of an infant. In consequence of her wound, which had not healed, and the weak state of health induced by her injury, she was attended by Mr. Nichols and Mr. Tunaley. The prisoner regarded her with much anxiety.

# Evidence for Prosecution.

Eliza Chastney

saw Mr. Isaac Jermy Jermy lying on the floor. I then saw a man coming from the dining-room door, and he had what appeared to me to be a short gun or pistol in the right hand up to the shoulder. He levelled it and shot me. I did not fall directly. Another shot followed at once, and I saw my mistress's arm twirl about. My mistress left me and ran upstairs. I twisted round several times and fell down. I gave three violent shrieks, and said I was going to die, and no one would come and help me. The butler, Watson, then came. I remember no more until I awoke at the bottom of the staircase, and found myself wounded in the hip. I saw the head and shoulders of the man who shot me. There was something remarkable in the head; it was flat on the top—the hair set out bushy—and he was wide shouldered. I formed a belief at the time who the man was. I have had no doubt in my own mind about it.

Who do you believe it to be?—The prisoner. I have seen the prisoner several times at Stanfield Hall. I have seen him in the passage. I could not observe anything about the dress of the man who shot me. The man was looking towards the porch door when I first saw him; his head was then sideways to me. When he shot me he had turned. When he shot me he was in the staircase hall, and myself and mistress were in the doorway of the passage or lobby. I saw both the form of the head of the man and also the shoulders. Mr. Rush has a way of carrying his head which can't be mistaken. No person ever came to Stanfield with such an appearance, beside himself. I know of no other person like him.

Cross-examined by the PRISONER—I will not swear the time was half-past eight. There might have been ten or twelve seconds between the first shots. I have never said the second shot was immediately after the first shot. I heard the second.

If you say that, I must have your deposition before the magistrates put in and read? [The depositions were then put in and read, when it appeared the word "immediately" was used.]—I find I might have said that the second shot was immediately after the first, but I was in too much agony to say correctly what was the fact. When I heard the first report and second I was in the servants' hall, and Read, the cook, was there. The door of the servants' hall was open. I could hear probably the steps of any person walking in the passage. I can't say I heard anybody walking in the passage after the first report. After I heard the first report I said, "How silly!" and sat quite still. This was under the supposition it was one of the servants. I could not see along the passage till I got up. The door was open. I left Read there. I first saw my mistress in the lobby by the staircase hall. It was not a second before the man shot me after I saw him. I saw only one hand raised to fire. The report of the gun which shot my mistress and myself followed instantly. My opinion was formed that it was you because of the width of the shoulders. I

# James B. Rush.

Eliza Chastney

stated so before the magistrates. I saw your head and shoulders. I might have said you had a hat or cap on; I do not know. I never heard that you had been turned out of a farm. I had lived at Stanfield a year last Christmas. I had never heard about law-suits with you and Mr. Jermy. I might have once heard that papers and books had been circulated on the subject. I don't know that any particular letter was refused at the Hall because the postage was not paid. I have never seen Emily Sandford. Miss Jermy passed me after I was wounded. I first saw the wig, which Hubbersty put on, about a week before my second deposition. I can't say I saw you at the Hall on Sunday before the murder. I do not know if you were ever refused seeing Mr. Jermy at the Hall. I recollect Mr. Jermy saying one evening when you called you must come in the morning.

Re-examined by Mr. PRENDERGAST—I was wounded slightly in the cheek, and the blood got in my eyes, and therefore I could not see well at first that night. There was a light in the staircase hall. There were lights in the drawing-room also.

MARTHA READ, examined by Mr. EVANS—In November last I was living at Stanfield Hall, and had been living there five months. On Thursday, 28th November, I and Eliza Chastney were in the servants' hall. This was about half-past eight o'clock. We heard the report of firearms outside. Soon after a second report came from inside the house. Chastney left the hall, and I heard a noise like the rustling of clothes. That appeared to come from the inside door. After Chastney left the hall two more reports followed as quickly as possible soon after the first two. I heard the screams of a female. I then rushed to the servants' hall door, opening into a long, straight passage, at the end of which is a turn to the staircase hall. Miss Jermy came running to the servants' hall. She said, "Oh! Read, we shall all be murdered." I then saw a man coming along the passage, about 7 yards from Miss Jermy. He had some firearm in his right hand, but I cannot say whether a gun or a pistol, but it was larger than a usual-sized pistol. The man had a cloak on, which appeared to have a cape to it. He was a low, stout man. I have repeatedly seen Rush at the Hall. The man was of the height, size, and carriage of Rush, and as soon as I saw him my impression was that it was Rush, and that is my impression still. I and Miss Jermy ran out of the servants' hall into the stable, and did not see which way the man went out.

Cross-examined by the PRISONER—I was sitting in the servants' hall when I heard the first report, but cannot say exactly for how long; perhaps more than half an hour. I and Miss Jermy went to the stable, and then to the lodge, after the murder. The man had not reached the back staircase when I first saw him.

Have not you said, "He came from the foot of the stairs in the passage"?—I said he had not reached the back staircase when I first saw him, but had before I lost sight of him.

## Evidence for Prosecution.

Martha Read

Who did you see beside Miss Jermy in the passage to the servants' hall when you saw the man in the passage?—Nobody. Perhaps the man was 2 yards past the foot of the stairs when I left the door and lost sight of him, and I and Miss Jermy went out of the back door. The gun appeared larger than a usual-sized pistol. Nobody asked me about it the night of the murder.

Did you say anything about the pistol or short gun before you heard about the ramrod?—I can't say; but I was not guided by that. I have no pieces of lead that were picked up in the hall after the murder, nor did I pick any up. When I saw the cloak on you at the Bridewell I said it was longer than when I saw it in the house. I said before you the one I saw at the Hall did not reach the knee, while at the Bridewell it came below. I first saw Watson at the stable after the four reports.

When did you first discover that I carried my head on one side?—As soon as you came to the Hall.

Did you ever tell any one before the 28th that I carried my head on one side?—I don't know that I did; I think not.

When did you first make that remark?—Before either the coroner or the magistrates.

Did the cape of the cloak you saw on the man at the Hall look like either of those you saw on me at the Bridewell?—I thought the cloak I saw at the Bridewell was longer. The right hand held a firearm. I never heard of you and Mr. Jermy being at law. I have heard of your disagreeing. I have never seen or heard of any pamphlets about Felmingham or Stanfield Hall farm.

Re-examined by Mr. EVANS—I cannot say what was the colour of the cloak. The man carried his head on one side.

W. P. NICHOLS, examined by Mr. Serjeant BYLES—I am a surgeon in this city. On the night of Tuesday, 28th November, I was summoned to Stanfield Hall. I arrived about two o'clock in the morning. I found the bodies of Mr. Jermy and Mr. Jermy Jermy in the dining-room. The wound of Mr. Jermy was above the nipple on the left breast. The wound was from 3 to 4 inches in extent. The fourth, fifth, and sixth ribs were shattered. The entire body of the heart was carried away, and the charge had passed through the left lung, and lodged in the muscular part of the back. I took out several portions of lead. There were no round shot. I gave the shot to Mr. Tunaley. I then examined the body of young Mr. Jermy. The wound was a very small one—not more externally than half an inch in diameter. It was near the nipple of the right breast. I found a number of slugs in his body, and they were exactly similar to those found in the body of his father. These wounds were of such a nature as to have caused immediate death. I found on the lung of Mr. Jermy, sen., a portion of paper which resembles part of the covering of a cartridge paper.

Cross-examined by the PRISONER—I think I took from ten to

# James B. Rush.

W. P. Nichols

a dozen pieces of lead from the bodies of each. Mr. Banks, of Holt, was in the room, and he, I think, took two or three of them. All the other pieces will be produced. I have not stated I gave all the pieces of lead to Mr. Tunaley.

I must have the depositions read. I won't be contradicted. [The depositions of the witness taken before the magistrates and coroner were then read.]—I then stated that I gave them to Mr. Tunaley. I did not see Mr. Tunaley give any portion of lead to any person. I saw Mr. Tunaley take one or two pieces out of the wound. He did not give them to me, but I gave him all that I took out. I think I took ten or a dozen slugs from each body. I could not perceive any difference in the size of these pieces, and this was the general observation of all that saw them. They were very similar to some found in the Hall the same night. I have seen shot taken from game that has been shot, and my impression is that it has been round. I have examined this paper, which I took from the body of Mr. Jermy. A cartridge is the outside covering of the charge of a gun, and, in my opinion, it would have the same appearance as now. It was then saturated with blood, and it has now become stiff. Mrs. Jermy's arm has been amputated. Some portion of bone has been taken from the arm, but no pieces of lead have been found. Several have been taken from the leg of Eliza Chastney. No observation was made about these pieces of lead at the time they were taken from the bodies. It was my suggestion that they should be taken care of.

R. J. TUNALEY, examined by Mr. PRENDERGAST—I am a surgeon at Wymondham. On the evening of the 28th November I went to Stanfield Hall. I got there about ten o'clock, and I saw the body of Mr. Jermy lying dead there. No examination was proceeded with that night, but on the 30th the examination took place, in company with Mr. Nichols. I found that the heart had been penetrated with a pistol shot, which was quite sufficient to cause death. I found the whole charge in the muscles of the back of the left side of the body. These two shots were taken from the body. Five pieces of lead were taken from the body of Mr. Jermy, jun. I produce these. They were taken from muscles of the body on the left side of the back. These are not what are commonly called shot, but appear to me to be pieces of lead. They are angular, irregular pieces of lead.

Cross-examined by the PRISONER—I got to Stanfield Hall on the night of the murder about ten o'clock. I saw Watson the butler there; but I did not know him before. There were more pieces of lead taken out of the body, but I only preserved those I produce.

I ask you on your oath, why do you not produce them all?—My reason was this. More were taken out, but I only preserved those, knowing that they were sufficient to show whether death was caused by one or by several pieces of lead. I will not swear that

## Evidence for Prosecution.

R. J. Tunaley

I have not said there were eight or ten pieces of lead taken from the body of Mr. Jermy.

PRISONER—I must have the deposition read. [This was done, when it appeared that the witnesses had stated before the coroner that there were eight or ten pieces of lead taken from Mr. Jermy.]—I cannot tell what was done with all the pieces of lead taken out of the bodies while Mr. Nichols was operating. As many as eight or ten were taken out, but I only received those I have produced.

Did you ever say you took as many as eight or ten out of the body?—I do not think that I used the precise words.

I will read your own words, “I took out as many as eight or ten pieces of lead, and there were many more that I did not remove”—Those produced were taken out of the body by me. I put those two in a piece of paper without laying them down at all. The other five came out of the body of Mr. Jermy, jun.; but I will not swear that I took out those five identical pieces. I was present when they were taken out. I was present when the shots were taken out of the other part of the Hall, and they were precisely similar to several shots that were taken from the leg of Eliza Chastney, and also to those taken from the body of Mr. Jermy, in size, weight, and appearance. I have observed shot taken from game when dead, and I have observed that it is round in appearance. I did not hear Watson questioned on the night of the murder. I was otherwise engaged.

The Court adjourned.

**Second Day—Friday, 30th March, 1849.**

**Evidence for the Prosecution—continued.**

EDWIN HARVEY, examined by Mr. PRENDERGAST—I am a carpenter living at Wymondham. On the night of the murder I and others left that place. It took fifty minutes to walk from Wymondham to the Hall. Mary Clarke was with us. She is the laundry-maid at the Hall. John Todd and Thomas Howse were the others. They are bricklayers. There is a gate at the outer side of the bridge over the moat. The gate is 35 yards from the porch of the Hall. When I got to the gate Mary Clarke left me and went into the house. She came out with Maria Leach. Leach then went back for her bonnet. She was gone four minutes, and then returned with Honor Holmes. I opened the gate to let them through. When I closed the gate I heard the report either of a gun or pistol. I was looking towards the Hall. I saw the flash. The flash appeared to come from the left side of the porch, as we stood. We could see the porch plainly. I saw a figure, but what I could not say. I then saw a light, as if from the Hall, and I heard a door "go to" very loud. While I saw this, the others walked towards Ketteringham. I followed them, and when I got 45 yards from the gate I heard another report. This report was not so loud. I now saw no flash. I still proceeded on, and I went to Wymondham. The women left me in Ketteringham Drive. Before they left me I heard the alarm bell of the Hall ring. It is also a dinner bell.

Cross-examined by the PRISONER—I left Wymondham at half-past seven o'clock. I stood at the gate three or four minutes before the women came out of the Hall. Some went in, and it was a very short time before they came out again. We talked. Clarke did not go in with the others to get a bonnet. The night was very dark, and I could not see much. It was very dark about the Hall, from the trees. I saw something like a great spark go up by the south pillar, perhaps a great piece of wadding, when the first gun was fired. It went up 10 or 12 feet high. Todd and Howse stood further from the gate than I did. The figure I saw was more towards the left than I was of the porch—a yard or two. This was the time I saw the flash. I saw the figure close by the porch. The space from the pillar of the porch to the opening of the porch is about 3 feet. Myself and others were talking and laughing together when we heard the report. The light I saw came from the entrance hall. When I heard the noise I spoke of, I thought it was the porch door. I saw no light in the Hall after I heard the door go to. Howse and the other servants when they heard the report went to the Ketteringham lodge. They ran, and



Potash Farm.



# Evidence for Prosecution.

Edwin Harvey

I followed quickly. The second report I heard when I was about 45 yards from the gate, and had not overtaken the servants. I cannot say there was a light from the window at the side of the porch, but I believe there was, and I did not see a figure pass it. I do not think a person could be seen, even had he passed the lighted window, because the light is high. I will swear I heard a door close. I heard two reports of a gun or pistol. I had got 150 yards into the drive when I heard the alarm bell ring, and then we were walking. Clarke first went to the lodge before she returned to the Hall.

EMILY SANDFORD was then called.

PRISONER—I have a higher power than you, my lord, and I say to this witness that I am innocent of this charge.

Mr. Baron ROLFE—It will be for the jury to say so.

PRISONER—But I must say so, and caution her to speak the truth.

Mr. Baron ROLFE—If she does not speak the truth, she will be subject to the penalty of perjury in this life and punishment in the next.<sup>7</sup>

PRISONER—I have never had an opportunity of speaking to her, but I wish to tell her to consider what sort of evidence she is about to give.

Mr. Baron ROLFE—You will do yourself no good by——

PRISONER—I cannot help it. I can prove my innocence. I have never been angry with her from the first, although she did contradict the evidence she first gave.

Mr. Baron ROLFE—I cannot allow this. You are entitled to be in Court while the evidence is given, unless you misconduct yourself; otherwise you must be removed.

EMILY SANDFORD, examined by Mr. PRENDERGAST—I was living in lodgings in London about twelve months ago. About two years ago I became acquainted with the prisoner. I went down and lived with him some time at Stanfield Hall farm. After that I went to London with him. That was at the beginning of February, 1848. He and I lived together at No. 2 Mylne Street, Islington. I then went by the name of James. In the month of October some persons came to Mylne Street. Larner was one, Mr. Thomas Jermy, and a person named, I believe, Mr. Read. On that evening a writing was produced. It was in my handwriting, and is the same as is now in Court. The date was 3rd October. I had written it the same day, before they came, from a copy supplied by Mr. Rush in his handwriting.

By Mr. Baron ROLFE—The prisoner told me to copy the paper.

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<sup>7</sup> His lordship seems to have possessed an unusually intimate knowledge of the "Courts above"!

# James B. Rush.

Emily Sandford

*Examination continued*—Before the parties came in the evening Rush looked over the copy I had made and given him. The other parties came about six in the evening. Myself and prisoner produced the paper now shown, and it was signed by the other parties. It had remained on the table till they came. It was read over aloud by some one, but I do not remember by whom. It was then signed by all the parties. I did not sign the paper at that time, but put my name to it after Read, Larner, and Jermy were gone, and I did so at Rush's request. It was arranged with them that Larner and Thomas Jermy were to go down to Felmingham; this was proposed both by Rush and Read. From the conversation I understood they were to go down to take possession of a farm. Mr. Rush agreed to furnish the means to defray the expenses of their journey down. I understood Jermy and Larner were cousins. I can't say if it was suggested that one would be sufficient. The parties left between eight and nine, and I never saw them again. I afterwards saw Mr. Read in Norwich.

The next day but one after that I left London for Norwich. That was on the 5th, and I came by Rush's direction, he having left on the 4th. I was to go to the Bowling Green Inn at Norwich, where I arrived on the 5th, and Rush met me at the railway station. On leaving the carriage Rush proposed I should go to Potash that night. He took me in his gig. When I got to Potash I learned that Rush's son, with his wife, was gone to Felmingham. I went upstairs, after having first passed into the parlour, where the servant brought me a light. There are two best bedrooms upstairs in that part of the house, both opening into a passage.<sup>8</sup> The staircase from the lower floor leads into the passage, and there is a door at the top of the staircase. Rush and I slept in one room that night. On Friday morning, the 6th, nothing particular occurred. I left Potash on the Tuesday following. I understood in the fore part of the day that he was going to drive me to Norwich. At tea he talked of going by rail, but after tea he sent for a boy by the name of Savory to drive me to Norwich. About eight o'clock the gig was brought round to the front door, and I and Rush got into the gig. Rush did not say where he would go. The boy Savory led the pony to the gig. We turned to the left on leaving to go to Norwich, and while on the road Rush proposed going by himself to Stanfield. I wished to go with him as far as possible, as the ground was very wet. We went through the gate into a field in the gig. We then went through several fields towards Stanfield Hall in the gig, till we came to a ditch, when we could get no farther with the gig. Rush then said that, while he went to Stanfield Hall, I had better remain in the gig with Savory. I wanted to go with him. Rush and I got out of the gig and over the gate, and we walked as Rush told me towards Stanfield Hall. I went to what I was told was Stanfield

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<sup>8</sup> See plan opposite p. 87.

## Evidence for Prosecution.

Emily Sandford

Hall, and Rush told me I had better remain outside the Hall. He left me near the bridge. I asked to go into the Hall with him, but he said I had better remain outside, and if I were wanted he would send for me. I remained outside about twenty minutes, when Rush again joined me. I asked if he had agreed with Mr. Jermy, to which he replied, "No, but I think he will," and we returned to the gig. He got into the gig till we got out into the Norwich Road. While in the fields I asked him to drive me to Norwich; he said he would if he had not to see Mr. Read. I had before understood Mr. Read was to come down to Potash. He said Read was coming down by the mail train, and I said, "Who will be there to receive him and get supper ready?" He said nothing particular about that, but bade me go to the Bowling Green, and he would see me to-morrow or the next day.

Savory then drove me to the railway station at Norwich, where I had some boxes, and from thence I took a fly to the Bowling Green. I slept there that night. In consequence of something that passed between me and the landlady, I left and went to the Swan on the Wednesday. I wrote to Rush, and he and Mr. Read came, I think, on the Friday night. I understood they were going to London. Mr. Read went out to take a walk and see the town, and Rush remained with me. Rush then asked me to copy some papers which he produced. They were copies of notices. I began to make the copy that evening after he left, but the next morning he called and said he would not trouble me. I can't say if that paper was destroyed, as I gave it to Rush. I think it was on Thursday he gave me the paper to copy. On the Saturday morning he came to me and breakfasted with me. The same morning I removed to lodgings at Mrs. Stacey's. He went home on Saturday, as I supposed. He called on me at Mrs. Stacey's in about a week afterwards. He then said he had some writing to occupy my time, and produced two papers. He produced a written paper, which I was to copy. It was not stamped. He gave me one stamped paper, on which I was to write. I copied it on the stamped paper, and finished it before he left. On that day Rush dined with me. I only made one copy at first, but afterwards he wanted me to make another copy of the same paper, which I did. This was also made on a stamped paper. Rush took these two papers away with him.

On the Sunday after that, which might be a week or more after I had been at Mrs. Stacey's, he came again. On that Sunday he dined at the White Hart, and then came to my lodgings and produced one of the papers I had written, and said, "I want you to put your name to one of the papers you did for me the other day." He then produced one of the papers I had written, and I think both. There was "I. Jermy" added to it since I had written it. The paper produced is one of them, and is in my handwriting. He said, "Write your name and the word witness," and I did so. He left me about four o'clock that afternoon. I

## James B. Rush.

Emily Sandford

observed that the paper was dated the day I went to Stanfield, and I mentioned this to him. I said that "The paper bears date the tenth, and it makes me a witness though I did not go in." We had some words about this, and he said he did not want to make me a witness. Much more passed; but at last he took the papers and went away, saying they were only copies. The next day I wrote to him on the subject. According to what he said to me, I am led to believe that he destroyed that letter. I wrote to him on the Monday, the day following. I cannot say that I heard him say he destroyed this letter.

At this stage the following witness was interposed:—

EDWARD CANN, examined—I am clerk to Mr. Cann, solicitor. I served a copy of the notice on the prisoner on the 22nd of March. Part of the notice called upon the prisoner to produce the letter written by Miss Sandford to him on or about the 23rd October, 1848.

Cross-examined by the PRISONER—The papers were looked over last Sunday. The papers were first taken out of the carpet bag in the presence of your daughter on the farm at Felmingham. The bag was not sealed up. I had the key and could go to it at any time. I never saw a carpet bag full of papers at Potash.

Do you know that they were lying on the table when you were there?—No.

Did you not pass through the keeping room<sup>9</sup> on the morning that the papers were taken from Potash?—I never saw the papers at Potash farm; a police officer brought a carpet bag containing papers, from which a few were taken.

PRISONER—Let any one imagine after this what a position I am in, and what likelihood there is of my obtaining these papers, which I think are necessary for my defence.

Mr. Baron ROLFE—This is not the time for you to make comments of that nature. The only object of this inquiry is this—the witness, Emily Sandford, is asked whether she wrote a certain letter to you, and she replies that she did. It is necessary, therefore, to explain why it is not produced. Notice was given to you to produce the letter, which you have not done, and Mr. Cann is called, and he says that he has looked through all the papers of yours which were seized, but that no such letter was found. Everything, therefore, that could be done has been done to obtain the original letter or a copy before receiving secondary evidence of its contents.

PRISONER—Yes, my lord——

Mr. Baron ROLFE (interrupting)—I cannot have any more reasoning on the subject.

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<sup>9</sup> Family sitting-room or parlour.

## Evidence for Prosecution.

Emily Sandford

EMILY SANDFORD (*recalled*), examination continued by Mr. PRENDERGAST—In this letter I complained that my having signed the paper would be making me appear to swear falsely. The next night he came to see me on the subject of that letter, and he was very angry with me for having written it. He asked me if I had made a copy, and I then searched and found a pencil copy of the letter, which I gave to Rush, and he tore it up. Nothing more passed at that time, and he left me the same night. I saw him one day afterwards, and he told me that on the Friday following I should go to Potash. This Friday would be the 3rd of November. It was the first Friday in the month. On that day Rush took me to Potash. Young Mr. and Mrs. Rush were there when I went. I took possession of the bedroom I have before described. There were two servant-maids living at the house. I made the bedroom my parlour, and also slept in it for some time. I lived in the bedroom a week before we made any change. I then went down into the parlour for a day to air the furniture. I did not continue to live downstairs, but at the expiration of this day returned upstairs.

On Tuesday, the 21st, I made three copies of a paper, which copies were made on stamped paper. I copied them on the Tuesday morning, and Mr. Rush took them from me. He went out, saying that he was going to take the original to Mr. Jermy to be signed. He went out about half-past eleven o'clock, and returned to dinner at nearly two. On his return I asked him if Mr. Jermy had signed it, and he said, "No, but he was going to call in the afternoon again on his way to Felmingham." He said Mr. Jermy behaved very kindly to him, and they appeared as if they had never had any quarrel. He said, "What a strange man Mr. Jermy is." He said that young Mr. Jermy kept coming in to hear what the conversation was, but old Mr. Jermy ordered him to leave the room. Rush said old Mr. Jermy told young Mr. Jermy that he was not wanted. I do not recollect what else took place. After dinner, about three, Rush told me I could take my walk. I did go. He said he had a little writing to do. I came back in about half an hour. When I went in there were a great many papers on the table. After I had taken off my things, Rush said, "I want you to put your name to the papers you wrote for me." I saw two of the papers I had written for Rush. Those are the papers I signed. There was a third. I have only seen two since. He said, "Put your signature to these, and the word witness." They were not opened. They were folded up so that I could not see Mr. Jermy's name. I saw Rush sign his name. He signed his name first. The words "Emily Sandford" are my writing in the paper signed. I see the words "Isaac Jermy." I did not notice them when I signed it. I did not see them.

On Friday, the 24th, the prisoner dined at Potash. We dined generally between one and two o'clock. Towards the evening—in some part of the day, I think when he came home to

## James B. Rush.

Emily Sandford

dinner—he told me he had seen a fresh stake driven into the ground. I understood by that that he meant it had been done by poachers, and that he should go out that night after them. Some nights before that he had been out for an hour or two. I had been at the Potash farm three or four days when he told me he had to go out after poachers. On the Friday he said he should go out. We had tea about six, or between five and six. Rush at that time was standing against the passage window. When he came in he said, “Make haste and get tea ready; it is just the night for these rascals.” He had tea. While we were at tea he wanted a little spirits in his tea. He complained of being unwell, and put some gin in his tea, and I recommended him to take brandy; he said he preferred gin, and got it out of the closet in his bedroom. He put some into the cup and took it. He asked me to have some, and I took a little. He then drank some from the bottle; I can’t tell how much he drank. He said the gin would keep the cold out. After tea he gave some directions to his son to take some letters to the post-office at Wymondham. He came to me upstairs and told me to clear away the tea things and step into my own room. We were in Rush’s bedroom, which he had used as a parlour. As I was going into my room he told me to put out the light and watch his son up the road from my window, and when I heard the rattle of the wheels I was to let him know. I waited a few minutes and went to my own room, and when I heard the gig I told him. He was in his own bedroom. The door was shut; I don’t know whether it was locked. I went to his bedroom door when I told him. He said, “Very well,” and I returned to my room. I shut the door as far as it would go. I did so because he had on other occasions, when he was going out of a night, told me to go to my own room. On that night I said he had better take the boy, Savory, with him, as it was dangerous to go after poachers alone. I did not see him quit the house. He shut the staircase door. He did not lock it that night. It was fastened. I was not locked in that night. He came home about half-past eleven that night. I heard him come in at the front door. He could turn the handle and come in. I heard him come upstairs. He opened the passage door and said, “Where are you?” I said, “Here, in your room.” He said, “Step into your own room for a moment.” I had a light in the room. I went into my room. I left the light in his room. He went into his own room. He shut the door. I heard the latch. I can’t tell whether it was locked. I had no opportunity of seeing him when he came back, nor yet when he quitted. He came back about eleven and quitted at half-past six o’clock. I stopped in my room about a quarter of an hour in the dark. He opened the door of his bedroom and said, “Are you not coming in?” I went in. He was in bed at the time. I thought the spirit he had drunk had affected him. I told him he was tipsy. I said, “You appear tipsy, and it is that nasty gin.” He said, “Yes, I was a fool for

## Evidence for Prosecution.

Emily Sandford

taking it, for I feel very unwell." I made him some tea. I observed a pair of stockings; they were very muddy. I did not observe his other clothes, nor his boots. I saw his stockings on the fender. They were muddy and wet above the ankle. He was asleep some time before I aroused him to take some tea. I gave him some tea about two o'clock. I went to bed.

In the course of that night, two hours after he had had the tea, he sat up in bed and said he was afraid he had lost something. He did not say what it was. He looked about the room. He found his keys under his bed; he unlocked his closet, searched about, and turned over some things. I asked him if he had got it, and he said, "Yes, it is all right." He had said, "If that is gone I must go and search for it." Mr. Rush went to Felmingham; this was the 25th. He said there had been a fire there—the servant had set fire to a closet—that some papers had been wet, and he had brought them home to dry.

On the Sunday I saw him arranging papers and burning some. I assisted him. On Saturday, the 25th, he bought a ticket for a concert of Madame Dulcken's, which was to take place at Norwich on Tuesday, the 28th. It was a ticket for five. Rush and myself were to go, and we were to meet the governess and his two daughters. After dinner, on Monday, the 27th, he said he had given the ticket to his son James and his wife. I asked him, "Then how can both of us go?" He replied that I could go by myself.

Monday, the 27th, was my birthday. Young Mr. Rush and his wife had lived in the house at Potash up to this time, and myself and Rush had been living in the bedrooms. On that day we went down to the parlour. In the afternoon young Mr. Rush and his wife went away. They had occupied the other side of the house, and when they went away Rush the younger and his wife brought me some groceries, and asked if there would be enough till Thursday. They went away. I was going to ring the bell, when Rush said the servant had gone home. One servant had gone before. On Monday we had our dinner and tea as usual. He went out that evening, but I did not see him go out or return. He was gone, I think, about an hour and a half. Not so long certainly as on the Friday. On Tuesday, the 28th, myself and Rush had dinner and tea as usual. We had tea about six o'clock. I had prepared for the concert during the day. I recollect that a few minutes before dinner he came in and asked how long it would be before dinner would be placed on the table, and, on being told, added there was time to fire off his gun. He went upstairs, brought down a gun, and fired it off outside. At tea time, about six, Rush having been out shortly before tea, I observed him look very low. He said he was not well. We had a great deal of conversation, and he said he should not go to the concert. At this time I had proposed to go. He asked me if I should be much disappointed if I did not go. I replied, "No, not in the least if you are unwell."

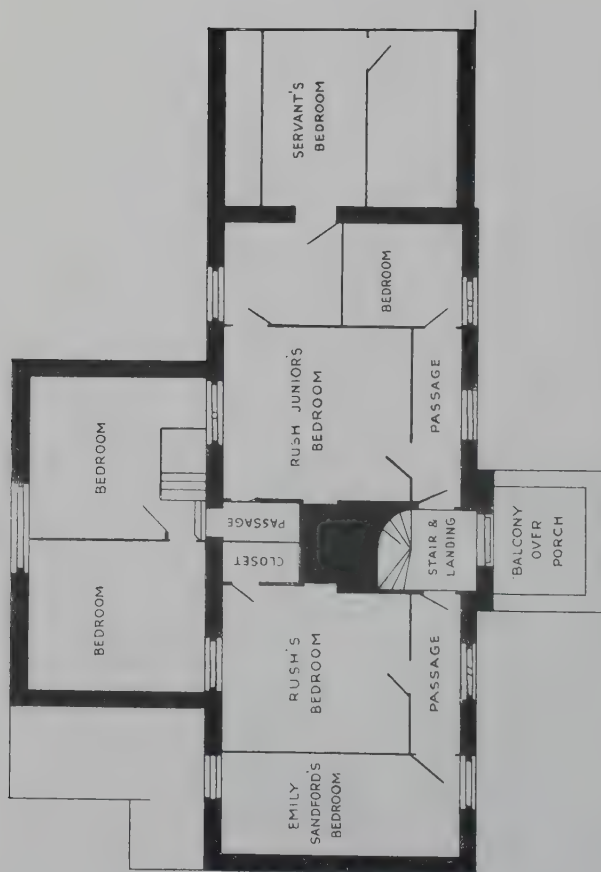
## James B. Rush.

Emily Sandford

He said, "We could go to the morning concert on the next day." During our conversation he said he should go out that night again. I objected, and asked why he should go out, and if there was not something more besides poachers for which he was desirous of going out. He said there was; "I could not wish to know then, for I should know at another time." He asked how many times he had been out, and I said five or six times. He then said he should only have one or two more times to go out, when he should be lucky and succeed.

I had been reading with him a book of Scottish history, and he asked if I recollected the anecdote of Bruce. Bruce had succeeded in an object the seventh time of trying. He thought he should also succeed the sixth or seventh time, and would try again that night. He said, "You recollect Bruce sat watching the spider, which made several attempts to spring to the wall. It tried six times, and the seventh time succeeded. The spider succeeded, the Chief succeeded, and I shall succeed." We continued to converse some time. I asked him why he looked at me so—he looked and cried. He quitted home about half-past seven. I went upstairs on that afternoon, and I saw the remainder of a fire in his bedroom. This was at half-past three. The fire was nearly out. I went up twice. The first time the door of the bedroom was locked. I think he was shaving then. The fire was quite out in the evening. He went out at half-past seven. I was at the time in the parlour. He went first to his bedroom. He was there a quarter of an hour. I heard him come down, and heard him pass to the keeping room to speak to the boy Savory. I did not see him, but I heard him go right through. When he was gone I was left alone, I thought, though the boy Savory was in another part of the house. Before Rush went out, in passing the parlour door he said, "Fasten this door after me." I was sitting on the easy chair in the parlour. I heard nothing of him until nine or half-past, when he returned. I heard him rapping at the door. I went to the door. He said, "It is me," or "only me—open the door." I undid the bolt, and after it was undone I went into the parlour. He came in and passed upstairs. I did not see him, as I went into the parlour, and closed the parlour door. As he passed I asked him if he would have a light. He replied, "No, he would find his way upstairs." As he passed the parlour door he told me to go to bed. I remained a few more minutes in the parlour, when he came down and entered it. He had neither coat nor shoes on then. I should think he had boots or shoes on when he came into the house. When he came into the parlour he was very excited. He looked pale, ill, and agitated. He said, "Take the top of the fire off and come to bed." I asked him what was the matter, and if anything had happened. He replied, "No, nothing; if you hear any inquiries for me, say I was out only ten minutes." He went up to bed. I took off the fire, threw water on it, and went upstairs. I just opened his door and went in about a yard. I asked him which





Potash Farm. Plan of Bedroom Floor.

## Evidence for Prosecution.

Emily Sandford

room I should sleep in. He replied, "In here"—and then immediately added, "No; in your own." When he said this he came towards me, and said, "You will want your dress unfastened." He had hitherto always slept in the same bed with me. I went into my own room. When I got into his room there was a fire burning brightly; I had lit none. After I had been in my own room a short time I heard him go downstairs and return to his own room. When I went into my room he appeared to lock himself into his own room. I got into bed, having fastened my door by the bolt. I had thought a great deal, and I fell asleep.

In the course of the night, I should think near three, the prisoner came to my door and knocked. I asked who was there. He replied, "Only me, I want to wish you good-night; undo the door." I undid the door. He came to the side of my bed talking a great deal. He said, "You must be firm. If anybody asks you how long I was out, say ten minutes." I asked him what could have happened, and what was the matter. He replied, "Nothing—not much—you may hear something in the morning." I trembled when he said this, and he asked me why I trembled. I replied, "Because I felt cold." He said, "You appear as if you had an ague." I again said, "I only felt cold." He then went to his own room and brought his greatcoat. There was a great deal said that night. I asked again what was done. His hand trembled, and he repeated the caution. He said his poor mother and children were ruined. He hoped God would bless me, for I had done nothing wrong. I do not remember anything else that was said. As he was going out of the room he said something about a hat and lining, but I don't know what it was. I remember a thick pair of boots that opened at the sides, with a loop behind to pull them up by; they were generally kept in his room. I have seen them drying frequently in a morning, as if they had been used the night before. I saw those boots last on the Saturday or Sunday, and have never seen them since.

I remember some few days before this that Rush took me to a closet in the parlour. There were two closets in the parlour and one in the bedroom. He showed me in the parlour where he kept the papers that were valuable, and said no one but his poor mother knew of that place. He showed me one of the planks which he took up to show me how to raise it by a chisel in case of fire. There was also a closet in the prisoner's room, which was always kept locked, and the one in the parlour was also kept locked. On the following morning at breakfast he said to me, "You know I had my slippers on." I replied, "I don't know." I have never seen the particular boots alluded to just now since then. The cloak, produced by Mr. Pinson, belongs to Mr. Rush; I had it made in London. It was kept in the closet in his room.

Cross-examined by the PRISONER—Who did you see after you went from the witness-box Did you see any magistrates and witnesses?—No.

# James B. Rush.

Emily Sandford

Have you been told any evidence that has been given against me in this Court before you came into the Court?—No.

When did you come to Norwich first—I mean up for Assizes?—The day before yesterday.

When were you asked any question as to the evidence you were about to give here?—I have never been asked.

I mean, when were you examined last as to what evidence you were to give in this Court?—Not since I saw you last.

You have not been examined at any examination taken since you last saw me?—No.

Have you been told of any evidence that Savory has to give, or about anything he knew as to what took place on the night of the 28th of November?—I have read an account.

Have you been questioned or talked to by any of the police lately—within the last three weeks or a fortnight?—I have never seen the police for nearly six weeks.

When did you last see either Mr. Cann or Mr. Hartcup? Did they not take any examination or ask any question about what evidence you were to give to-day?—The last time I gave any evidence to Mr. Cann, he asked me if I ever lived in lodgings at King's Cross, and I said I had not.

What information did you give Mr. Cann about ten days ago?—I wrote down about the anecdote.

You wrote that down?—Yes.

Did he ask you any other question?—Yes, about the reports that were circulated about me—they were not true.

Have you ever given Mr. Cann written statements of what you were about to give evidence upon here before about ten days ago?—Yes, before I was ill.

Who was with you when you gave him that?—I had written it out; it was in my portfolio.

Now, what reasons have you heard me give—have you not heard me repeatedly say and give you reasons why I knew that poachers came into the plantation in the night-time?—You said you thought it was the men on your own farm; that was why you went out.

Have you not heard me give you the reasons why I knew for certain that they had been after game?—You said you had seen several snares laid.

Did you ever hear me give any reason about this, how they caught the game?—You described that they were caught with a noose.

By the gates?—Yes, by the gates.

Have you not known that the game has been fed in the plantation opposite the house?—Yes, pheasants have been fed in the orchard in front of the house.

Do you not know that there is a stack in the plantation where the pheasants are fed in the orchard?—Yes, when I saw you and Mr. Bedingfield shoot.

## Evidence for Prosecution.

Emily Sandford

Do you recollect the last time I had any one shooting at Potash, and at the time you were there we could not find any game worth going after?—You said you had winged one pheasant, and that was all.

Did you hear at the time of Savory having seen Sir John Boileau's keeper sending a dog into the plantation to hunt the game out?—I cannot say.

Did I not tell you of stakes being found in the plantation used for taking the game?—Yes, on your own fields.

Is it not usual for me when I come in of an evening to go upstairs to set myself right before coming into the room that you are in? When I have been on the farm after business is it not usual for me to go upstairs and wash myself?—I can't say I recollect it. You did not go up to dress yourself those nights of which I have spoken.

Was not your watch and the one I was wearing on the 28th November last, and for some time previous, three-quarters of an hour faster than the train time?—Our clock at Potash was much faster than the train time.

What observation was it I made to you as to one of the watches being must faster than the train time on the 28th, when I offered to look at the clock?—I think you said something about your not being in a hurry, because our clock was faster than the train time.

Was there not any watch produced at the time this conversation took place?—Yes, mine was—to see the time at which we were to go to the concert.

At the same time, when I offered to go, although it was so late, did I not give you as a reason that our watches were so fast we should then have time?—After we had talked some time you said, "Now it is too late for us to go."

At the time when we were talking about the concert did I not express myself vexed to think I should disappoint you in going?—You did; you said it was a shame to disappoint me.

Do you recollect where you were sitting at that time—the time of the first conversation about the concert before tea?—We had no conversation before tea.

Recollect when I came in where I was sitting—take your time to recollect where I was sitting before there was any preparation before tea.

Mr. Baron ROLFE—You have a right to put the question directly. Was I not sitting at such and such a place?

PRISONER—Thank you, my lord. (*To Witness*)—Was I not sitting on the easy chair before tea—a long time before, and you were sitting with me before we talked about tea?—I had not my dress on; I had to change it at Norwich.

You had not your outside dress on at the time. I ask you seriously whether we were not sitting in a certain position a very

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Emily Sandford

long time before we made any preparation for tea?—No; when you said, “Come and kiss me,” I came and sat on your knee.

Was not that before tea?—No, it was during tea.

Oh! yes. Recollect yourself, it was before?—No, it was during tea—not when I asked you why you looked at me so strange.

I now ask you, at the time I was sitting there, if you thought there was any possibility of my having the least idea of being guilty of such a horrible thing as this?—No, certainly not.

Did you, when I was sitting in the easy chair, think it was possible I could be guilty of such a crime as this?—No, I never dreamt of it.

Has Mr. William Cann, the magistrate, read a note to you from me since you have been in the Bridewell?—Directly I returned from the last examination I told you that Mr. Cann, the magistrate, had called. I did not see your note, but he told me the contents of it.

Did he tell you how he came by it?—I think he said it was brought from the Castle, but I cannot recollect. He said he would read the note to me, but I could not see it.

He did not read it?—No, he told me the contents of it.

Did you see the note at all?—No, I did not.

PRISONER—I should like to know, my lord, if I may be allowed to have it read?

Mr. Serjeant BYLES—We will have it read now.

PRISONER then read the note as follows:—“Norwich, January 1, 1849. I am very sorry I used the language I did when I last saw you, but I hope you know enough of my temper to believe me when I tell you you have nothing to fear from my bad wishes, either from what may have been said, or whatever may be the result of the unjust accusation against me. You will always have my best wishes both for the health and happiness of yourself and our child. Write only a few words to acknowledge the receipt of this. We are not allowed to say more.”

*Cross-examination continued*—Is that the purport of what Mr. Cann read to you?—Mr. Cann’s words were that you had apologised for what you said, and you were sorry for it.

Was there anything said about the unjust accusation against me?—No.

PRISONER—My lord, Mr. Cann wrote, and he said he communicated the contents. The learned gentleman said in his opening it was intercepted. This is a letter I wrote to Mr. Cann—“I think it my duty, considering what a state Miss Sandford is in, to send the enclosed. Please send it to her, or send it, so as I may have a letter in her handwriting. God knows she has quite enough to suffer without my doing anything to give her pain. I hope you will agree with me in the propriety of having this sent.” My lord, I sent that letter to the magistrates, and I only mention it because the learned gentleman said it was intercepted, just as if I had sent it clandestinely, or anything of that sort.

# Evidence for Prosecution.

Emily Sandford

Mr. Baron ROLFE—The fact is, you wrote the letter to the witness under cover, and you sent a letter to Mr. Cann requesting that, under the circumstances, it might be communicated, and Mr. Cann saw the witness and told her that you had written a letter, in which you had apologised to her, and said you were sorry for the harsh language you had used.

*Cross-examination continued*—Now, what had my conduct been, as far as you had seen of me, since you had known me, up to that time, as regards my sensibility of feeling and my attention to my religious duties? What had my conduct been up to the time when this transaction happened?—You always had been of an amiable temper towards me, and I never knew you otherwise to others. You had prayers read in the morning since I came to Potash, and it was done before I left.

Have you not invariably, before coming to my bed, kneeled down by the bedside, and, to all appearances to me, said your prayers?—Sometimes.

I never knew you to miss in my life?—I cannot be positive, but I did say my prayers a great many times behind the curtain. I used to do so without knowing you observed me.

Have you ever had any reason to suppose, from appearances, that your conduct has not been consistent with offering up such prayers?—Do you say my conduct was bad?

No, no, my dear?—It never was before I came to Norfolk.

Had you ever the least reason to suspect that I thought your conduct was inconsistent with your offering up those prayers?—I never did.

Have I not repeatedly told you, when you have complained of the expense you had been to me—have I not told you that all the expense we were both living at was much less than when I was living in London by myself?—I have complained, and you have said the expense was not so great as you before incurred. I taught music to lessen the expenses.

Have I not promised you, from the time you continued to show such kindness and consistency of conduct, you should never want a home during the time I had one?—You have said I never should.

Was it not on that condition that it was agreed between us, after the second child was born, we should cease all connection with each other; and did I not say I would be a good father to the child, and you should live with me as my housekeeper?—Yes.

At the time this conversation took place was it not agreed by us that one of my daughters, you said, should sleep always with you in the same room? Do you recollect that?—You said, when your family removed to Potash, I should occupy your room with the baby and your daughter, and the governess should occupy the next.

Had you the least doubt at the time I made such promise that I was sincere, and that it was done out of the respect I had

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Emily Sandford

for you, and the welfare of my other children?—I was obliged to accept that promise when you had broken the promise of marriage.

Do you recollect the reason I gave you for pursuing that course?—No.

Don't you recollect that it was so that one might not have a house full of children?—I don't know why you wish to insult me, sir.

Mr. Baron ROLFE—I cannot allow you to wound the feelings of this young woman unnecessarily. The questions you are asking have no bearing upon the case.

PRISONER—All I have said has a bearing on the case; it will come out by and by. I had a great respect for her, and all that I have done will show it, and I gave her the reason why I had that respect.

Mr. Baron ROLFE—She says all you could expect she would say, namely, that you had conducted yourself amiably towards her, and she never saw you conduct yourself otherwise to others. There is scarcely a question which you have asked this witness I should have allowed counsel to put; but, feeling you are conducting your own case, without exactly understanding what the rules of evidence are, I am very loth to interfere to prevent your doing what you think best for your own interest, but I cannot allow you to wound the feelings of another.

PRISONER—My lord, I never intended it.

Mr. Baron ROLFE—It evidently has that effect, and, therefore, unless you confine yourself within bounds, I shall feel myself compelled to keep you within the strict path you are at liberty to pursue.

PRISONER—My lord, I am quite sure her feelings have been worked upon.

WITNESS—No, they have not, only by your conduct.

*Cross-examination continued*—Was not one of the reasons of your taking the name of James in order that you might be respectable—you living with me after the birth of the child?—No, it was because you did not wish it to be known that you had made a promise of marriage to me.

Was not the reason I told you to take the name of James in order that it might be respectable for you to live with me as my housekeeper?—Yes, and I also wished it.

Have I not also given you reasons repeatedly, telling you I could not find passages in Scripture that would sanction our living in the way we did?—You only did that when I upbraided you for not performing your promise.

Did I not say that if we committed no other sin than that that God Almighty would forgive us for it?—Yes.

Now I will ask you once more, if you do not recollect, after I came in to tea that night, when I was sitting on the easy chair, before we went to tea, and you sitting on my lap?—I did sit on

# Evidence for Prosecution.

Emily Sandford

your knee, but I asked you first why you stared at me so strangely, and you said, "Come and kiss me," and I did go over to you.

Where was the easy chair standing at that time?—At the corner of the table, in the corner.

How far off the tea table?—Close to the table, for you to take your tea off the table.

You had not then got your outside dress on, had you?—You know I had not.

Did not you put your outside dress on before you sat down to tea? Now, for God Almighty's sake, remember yourself?—I put on my morning gown because I had to change my best dress. I had to go to Norwich to change; I heard you come in, and I slipped on my morning gown.

I am talking of before tea, on the night of the 28th.

By Mr. Baron ROLFE—When you came down to tea on the 28th, he asks if you had your outside clothes on?—I had on my morning dress, because my best dress was at Norwich.

*Cross-examination continued*—And you intended to put it on when you got to Norwich?—Yes.

Where was your morning gown when I came into the parlour to tea?—I had it on, or, if you wish to have it more explicitly, it was my nightgown.

But you put on some other dress before I sat down to tea?—I am sure I cannot tell, whether it was before tea or after tea I put the dress on. You told me to put on the dress, or we could not go to the concert. I cannot tell whether it was before tea or after tea.

Do you recollect where I fastened your dress before tea, and where I stood—because you have been misled?—I have not been misled.

Never mind—God Almighty is Judge between us. I ask you now to recollect where I stood when I fastened your dress before tea, after you had been sitting on my knee?—By the fireplace, I think it was, but I do not recollect anything certain about the dress at all.

Try and recollect, you will know why it is important by and by. I only want you to speak the truth, and I do not want you to say anything but the truth.

Mr. Baron ROLFE—She says she does not recollect, but in cross-examination you have a right to point out the place where you were.

PRISONER—She says she has some recollection of standing by the fireplace when I fastened the dress.

WITNESS—I believe I did run up and change my dress. I ran up stairs and put on my dress when I thought I was going to the concert, and then when I came down the kettle was boiling.

*Cross-examination continued*—I hope you won't think anything I ask you is indelicate, but it is a question of life and death?—It is indelicate.

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Mr. Baron ROLFE—I will allow everything for your situation, but you must not ask improper questions, if they tend to hurt the feelings of the witness. If they be proper questions, then I don't care whether they hurt her feelings or not; otherwise I will not allow it.

*Cross-examination continued*—In a case of life and death it is most important. I now ask if, when you were sitting on my knee, on the easy chair, before tea, it was not after that you went up to put your dress on?—I am sure I cannot say.

You can recollect you had not dressed. I ask you, when you were sitting on my knee, if you had the dress on you came down to make the tea with—if you had that dress on when you sat on my knee? Try and recollect yourself, and I call God Almighty to witness, I have no wish to trifle with your feelings, but in a case of life and death like this it is most material to have an answer.

By Mr. Baron ROLFE—You have said you had, in the course of the afternoon, two different dresses on—first, a morning gown or dressing or nightgown, and afterwards you went up and put on a common dress, and you said in the course of the evening, about tea time, after asking, “Why do you look so wild?” He called and said, “Come and kiss me,” and you then went and sat on his knee. What he asks you now is, which of those dresses had you on at that time?—I cannot tell; perhaps he can.

*Cross-examination continued*—If you afterwards recollect you had this dress on before you went upstairs say so, because it is easy to prove whether you had it on or not?—I will. It was just before going to tea I slipped on my morning gown.

That is not the question. I want to have you recollect if it was not when you were sitting on my knee you had the other dress on?—I can't say.

Try and recollect now, love?—We were talking before we did begin tea.

Now, I wish you to recollect before you answer me. Do you recollect how long we had been talking about the concert before we began tea—that is before I moved up to the table?—We did not sit long talking before tea. I made tea directly after I came downstairs. I believe you did not let me know that we were not going to the concert before tea. If a conversation did take place it was while we were taking tea.

Did I not tell you, on my first coming in on Tuesday, that I felt unwell?—Yes, I asked what was the matter with you, and you replied you were not well.

Now, try and recollect, as it is of very great importance both to me and my large family of children that you should recollect and state that which is right. I ask you where I was sitting at the time that you stated you were vexed at my having disappointed you?—That was during tea.

How did you come to me then?—You asked me to come while I was sitting making tea. I saw the tears rolling down your cheeks.

# Evidence for Prosecution.

Emily Sandford

I asked you what was the matter with you, when you asked me to come to you.

But we had been talking about the concert then?—Yes.

Did we hurry tea over?—No, not by any means.

How long do you think we sat during tea?—Some time.

An hour?—It might be an hour.

Or more than an hour?—It might be. When you told me that we were not going to the concert we stopped talking.

And that was during tea?—Yes.

Did I not sit by the fire a long time after I told you that I was miserable?—No; that was before you sat to the tea table.

This was after tea. Do you not recollect we sat talking for some time, and I sent you for the paper, in order to read an account of the morning concert?—No; you sat in an easy chair, taking your tea.

You say that this conversation took place while sitting in the easy chair. Now recollect yourself, for God Almighty's sake. Did I not sit beside the fire after tea while we talked about the concert, and many other things?—No; that was during tea. Directly after tea you went upstairs.

I do not find fault with your answer. You do not recollect, otherwise you would state it. I suppose I shall be compelled to have the depositions read. Did I not, after I got up, stand by the fire talking some time before I went upstairs?—Yes, but I am sure I do not know exactly.

Do you recollect me asking you if I should read the account of the morning performance?—You certainly never read the account; you said that it was nearly as good as the evening performance.

Do you not know what the morning performance consisted of?—No.

Was not a bill or paper of the performance got to show you?—No.

Do you not recollect my standing by the fire then?—No; you were sitting down when the conversation took place.

Do you recollect me standing by the door as I was going out of the parlour while we had some conversation?—I do not recollect anything of the kind. I recollect your going upstairs before going out, and I then washed the tea things.

The question I now wish to ask you is this. While I was standing at the door, before going out, did I say anything to you?—No; I cannot recollect.

I ask you if I did not say, when I got to the parlour door, that “I think I should go out again this evening”?—No; you said so when at tea.

I will put in the deposition, and I will show that what I have stated was said by you when before the magistrates. Did you not

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expect from what I stated to you that night that I should not keep you waiting long?—Yes; you said you should not be away long.

And from what I said I led you to believe that I should not be gone so long?—I had been asking you not to stay long, and you replied that you should not do so.

Now, I want you to recollect yourself. You say you began to read after I left on the evening of the 28th?—Yes.

I now ask you if, from what you read and my saying that I was unwell at the time, you felt I was longer away than I said I should be? Was I, do you think, away more than half an hour?—Yes; I should think you were away till nine o'clock.

Now, I ask you upon your oath, given on a solemn occasion like the present, if you think I was absent more than half an hour?—It is impossible for me to say exactly, as I was reading an amusing work. You appeared to return sooner than I expected.

If you can recollect the name of the work, perhaps it will assist you in giving a correct answer?—The name was “Whitefriars.”<sup>1</sup>

Now, I ask you from what you were reading, do you think I was absent more than half an hour?—Yes; I should say a great deal more. I read half the volume through while you were away.

By Mr. Baron ROLFE—What is the name of the work?—“Whitefriars.” It is the name of a novel I found at Mr. Rush's house.

PRISONER—My lord, I am quite sure I was not absent more than half an hour, and that I shall prove. To do that I must refer to the depositions of the witness before the magistrates.

Mr. Baron ROLFE—I must again state that the object of putting in depositions is this. If the witness has stated anything in evidence in her depositions which is different to what she states now, and she cannot recollect, you can call her attention to her former statement, and then you will be at liberty to comment upon it afterwards.

*Cross-examination continued*—You have said that on the Tuesday I came home about six o'clock and had tea?—Yes.

And that you were dressing at the time?—I had dressed myself for the concert, all except my outer garment, and I came down to make tea in my dressing-gown.

You say you recollect going upstairs to put on your dress before tea, after you found you were not going to the concert?—I do recollect that you said to me, “You had better put on your dress,” and I went and did so.

Now, I will just ask you once more to recollect when you came down, before putting on your dress, what observation I made to you?—I do not recollect any observation being made whatever. I

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<sup>1</sup> “Whitefriars, or The Days of Charles II.” By Jane Robinson, 1844, 3 vols.

# Evidence for Prosecution.

Emily Sandford

recollect that I hurried to get the tea ready, because I did not then know that I was not going to the concert.

How were you to go?—In the gig, and the pony had been got ready.

How far is the house from Norwich?—Eight miles.

No; only seven. Do you recollect that I got the papers and remarked that the accounts were nearly equal as to the concerts?—No.

Did you hear me upstairs after I left the room?—I heard you going upstairs.

How long do you think I was upstairs?—I should think a quarter of an hour.

Can you, on this important occasion, say that I was not half an hour?—No; I cannot say exactly. I should think you were about a quarter of an hour or twenty minutes.

I think you have said that you heard me talking to Savory?—I heard a voice talking to you, which I thought was that of Savory.

Did I not ask you to bar the door on my going out?—Yes; you were outside, and when I came to the door I found it closed.

Now, I ask you, on your oath, and for the sake of my dear little children, to take time and consider before you give your answer. Was it not more than an hour from the time we got our tea and that you slipped the bar after I had gone out?—No; how could it be an hour when you were only a quarter of an hour upstairs?

Have you not sworn, when before the magistrates, that it was an hour after tea before I left the house?—That included the time we were at tea.

[At the request of the prisoner the deposition of the witness, taken before the magistrates on the 3rd of December, was put in and read.]

*Cross-examination continued*—I must caution you how you answer, unless you wish to swear my life away falsely. If you wish to do so, say so at once, and I will sit down and not ask you another question. I say it was all an hour, and the following are your words:—"On Tuesday, the 28th day of November last, he went out again—it was about an hour after tea." Will you now swear, on so important an occasion as this, that it was less than an hour?—What do you mean; as we drank our tea?

You told me of what you had been reading as we sat by the fire. I shall bring all this forward, and all the conversation as we talked when I stood by the door?—You did not talk by the door.

How long was it before I left the room?—You were talking an hour or more, and the tea remained on the table all the time, although you might have finished.

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So might you. I know very well the conversation that took place. I don't deny the tale about Bruce, but, if I were dying, I can't swear it was an hour, and you have sworn to it. You say it was more than an hour after tea that I went out? Do you mean after we began tea?—Yes.

I say we were at tea an hour and more; I then turned my chair to the fire for more than another hour?—I recollect talking to you by the fire.

I wish to give you time to think?—We had not finished tea, and while at tea I asked you what was the matter.

I do not say that that is not right. We were more than an hour at tea, and more than an hour after that?—I took the length of time from the time that we began tea and talking.

From the time that I first came in and the talking, and altogether, was it not two hours before I went out?—No, I think it was an hour and a half.

Will you swear it was not nearer two hours than an hour and a half?—To the best of my calculations, I believe it to be an hour and a half, or about that time.

How long do you think we sat? Take it in your own way, in what way you like, how long did we sit talking at tea—over an hour?—I had not a watch, or anything, but I took the time to be an hour and a half altogether.

Before I went upstairs?—Yes, before you went upstairs.

And I was upstairs a quarter of an hour?—About that.

Was it a quarter of an hour or twenty minutes?—I can't say to a minute.

That would be five minutes over an hour and three-quarters?—Yes.

And that would bring it to ten minutes before eight?—I never looked at the clock.

But to the best of your judgment?—I should think it was half-past seven; I could not say positively; I looked at no watch or clock, but I should think it was.

Pray be careful how you answer the next question. After hearing what I had to say about going out and I should not be so long as I was other nights, can you say that it was more than half-past eight when I returned?—I should say it was nine, and more than nine, but I did not look at the clock or at my watch.

You say you did not look at your watch when I came home?—No.

Nor at the clock?—I did not hear the clock. I was in the parlour.

Now, I'll ask you if you don't recollect looking at your watch before you left my bedroom to go into your own room after I came back. I mean after you came into my bedroom before you went into your own bedroom?—Certainly not; I did not go to your room; I went to my own; I never took the watch, nor had anything to do with the watch.

# Evidence for Prosecution.

Emily Sandford

Not before you went out of my room that night?—No, there was not time.

On so solemn an occasion as this, will you swear that it was nine o'clock when you let me in that night?—I can't swear to it. I can only swear from my own calculation that it was nine or half-past. I cannot swear exactly.

You won't swear it was nine?—I say from nine to half-past nine. That was my calculation. I had no watch to look at.

You had your watch?—I did not look at it.

What time did you get into your room that night to go to bed?—It could not be long, because you did not allow me to stay in your room many minutes. I went into your room, but did not stay.

Was it ten minutes past nine when you went into your own room?—I can't say exactly what time it was.

Where was your watch that night?—It was in my own room.

When did you wind it up?—I don't recollect winding it up. I think it was not wound up.

You said that when you let me in I went upstairs. Did you hear me walking in my own bedroom after I went upstairs that night when you were in the parlour?—Yes, I could hear you walking about there.

You could hear me walking about there?—I have not the slightest question about it.

How long did I stay by the parlour door, or in the parlour talking to you, when you made those observations you told the gentlemen of, with my coat off? How long did I stop in the parlour with my coat off?—Not more than two minutes. I took the fire off and all that.

All takes time. You took the top off the fire; you had to get some water to put on the fire to quench it. Was it a large fire?—Yes, a very large fire, and I had to get some water to quench it.

Another thing is, when you went upstairs did you see a large fire in my room?—Yes, and something like a greatcoat on the bed.

I see you have said, from the appearance of the fire, it must have been lighted some time. How long do you think it was? You said the fire had been some time in my room?—No, I have not said that.

You were not there above a minute. Pray do take time to answer. Now, I ask you, how long was it from the time I came in to the time I went upstairs, and you heard me walking over your head, and I came down and had a conversation with you at the door? How long was it after I first came in that you first came upstairs. You said you had made observations about my looks. You had to take some water to quench the fire, and you went upstairs. This would all take time. Was it half an hour, do you think?—I don't know, I am sure.

The time during which all this happened that I have been

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telling you?—You were upstairs a short time, and then came down and told me to go to bed after my putting water on the fire.

I don't want you to say only what you think. When you did come didn't I put open my door for you to come in?—No, I opened it myself. It was not slipped.

During the time I stood by the fire didn't I unfasten your dress?—No, you came and drew a chair that I was going to sit down upon. I was about a yard into the room.

I want nothing to be said but what is true. Only for the sake of my dear children and my own self speak the truth, and think about what you have now to say. Were you not standing near the first bedpost next the door when I undid your dress?—I was standing by the chair, not a yard from the door.

Now, as I have said before, I do not doubt but you have spoken the truth—take time to consider the question I shall put to you—never mind if there should be an apparent contradiction to what you may have said before, but speak the truth. You will see what I mean by the questions?—I do not see that I have made any contradictions.

I ask you—you have said there was a large fire—if it did not appear as if it had been lighted some time?—I do not know that it was so. There was a great fire.

What did I say to you when I was undressing?—You did not say anything about the fire. The fire had been lighted after you came home.

Did not it appear as if it had been lighted for some time?—It was lighted with patent wood which was brought from London—you knew we used it there.

When I was unfastening your dress did I not say which room you were to sleep in?—No; I asked you which room, and you said, "Your own, to be sure."

Did I not request you not to take a light into your room?—No; I was doing so, and you told me to put it out.

Did I not unfasten some part of your dress, which it was impossible for you to do?—No; you did not.

For God's sake try and recollect what I said?—I do not recollect that.

For God's sake do recollect?—You told me to go into my own room—you hurried me out, indeed.

It is most important that you should recollect what I did say. It may appear contradictory, but remember my life is upon it. Consider my dear children and your own future happiness; try and recollect what I said to you after I had unfastened your dress?—You told me to put the light out—you hurried me out of the room.

I will give you time to recollect. What did you do after I had unfastened your dress?—I do not recollect.

What did you do with your watch? Was it wound up that

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night? Did I not tell you to look at the watch?—No, you did not.

Was your watch wound up the next morning?—I had too much to think about that morning to recollect what I did, but I made haste to get your breakfast.

I will ask you if I did not tell you to look at your watch—try and recollect—be composed, for God's sake?—No, you did not—certainly you did not. I should recollect if you had.

For God's sake recollect?—No, you did not. I cannot recollect any such thing.

When was the first time you looked at your watch? When did you put it on?—I do not recollect.

Did you put it on before you came downstairs?—I do not recollect; I was so agitated, and had so much on my mind.

I know, my dear, you had a great deal on your mind. I am willing to make every allowance for that, as fairly as I can, but you must recollect what I ask you. Do you recollect the police coming into the house?—Yes.

You recollect where the watch was?—No.

When did you put it on that morning?—I do not know.

Was it after they were there?—I should think it was, as you wanted your breakfast, and I do not think I should have stopped to put it on, but I believe I put it on after you were handcuffed and taken to Bridewell.

Was the light out before you left my room?—I think I had blown it out before as I was going to my room, because you ordered me to do so. You hurried me out of the room.

Did I not give you to understand that you were to come into my room?—No, you did not.

Did you fasten your door?—I did.

Did I tell you?—No; but you did when you came into my room at night.

I ask you now, if when I was unfastening your things—you know what I mean—if I did not, before you left my room, say as much as if you might expect somebody coming?—I do not recollect any such thing.

Did I not say that you might expect somebody coming?—No, you did not.

Are you sure I did not ask you any such thing—that I did not make an observation of that sort?—No; you did not say anything of the kind.

What did I say to you when I was standing by the door?—You did not stand by the door.

When I came to your door after you had gone to bed—I mean did I knock at your door more than once?—Yes, you did.

Had you been asleep the first time I came?—I had; you awoke me.

How long had you been asleep?—I do not know. I had been thinking a long time, and then I fell asleep.

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Emily Sandford

Was not the first time I came the time when you were cold?—I cannot tell. When you got into my bed was not when you complained of my shaking, but after.

Did I not get into bed when I brought the coat?—No, that was the second time you came.

Has not what you have said before influenced your answers now?—No; what I state now has not arisen from anything I might have said previously. When you came into bed nothing had been said about your standing at the window, or about your going downstairs. It was the second time you came into my room and leaned against the bed that I suspected you had taken spirits. It was the first time you came you said your mother and children were ruined. I do not know which time it was you came into my room that I asked what was the matter. It was when you stood by the side of the bed, and you told me to be firm. A great deal of conversation took place by the side of the bed, but I cannot say how long you stood there. You never said, on either of these occasions, you were fearful that something had happened at Stanfield Hall. You never made use of any expression that led me to suppose you were going to tell me of something that had occurred. I never said I would rather not hear. You never included yourself in the blessing you called down on me. When in bed you made use of rambling speeches, and talked about the concert. You trembled all the time you were in my bed, and the trembling did not leave you when you left the bed. I trembled also. After you left the bed and went away out of the room I don't recollect your coming a third time. I don't recollect your coming a third time and saying anything about a draughts-board, or of our playing draughts, or of my telling you where the draughts-board was. I cannot say where we played draughts last—if upstairs or in the parlour. I do not recollect anything you said about saying prayers.

When did I tell you about the secret closet?—When you told me about the secret closet I cannot say you were in the closet, though you went to the closet. You had to go to the closet, and then you told me it was a secret place, and the spot used by your mother. I do not recollect whether you said it had been a place of safety, or that it was. You said it was used for safety from fire.

Did my appearance at breakfast on the day after the murder show as if I could have committed this crime?—You looked pale. I cut your meat for you at breakfast, because you were handcuffed. You made fun of your being handcuffed.

Have you read the papers and seen the evidence against me?—I have read the papers, and therefore seen the evidence when it was published; but I never sought to read it, and only had a newspaper when tired.

What papers have you read?—I have read the Norwich papers, and other papers—several papers.

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Emily Sandford

Witness stated in reply to questions put by the prisoner—When the police came upstairs at Potash, I first heard of what happened at Stanfield Hall; I asked, and one of them told me. There were many police upstairs in the room and on the landing. Where I have stated a certain number of times as being examined, I mean all times when I had been questioned. I was questioned when I was not sworn. On the day after the murder an examination took place at Stanfield Hall, and I do not think I was sworn. But then I only answered a few questions, and I was bound over to appear the next day. I was examined before the coroner at Wymondham on the day of the funeral. This was the first time I was examined before the coroner. I do not recollect any one observing that you ought to have been present during every examination.

Do you feel ill? I am sure you look as if you were?—No; I can go on.

I put it to your lordship whether it would not be advisable to adjourn the examination of the witness now. She has not yet been examined about the papers which have been produced, and that will occupy three hours.

Mr. Baron ROLFE—We will go on as long as we can now. The moment that the witness says she wishes to retire we will adjourn.

*Cross-examination continued*—I recollect being examined on the 13th December, and again on the day after at the Castle, on the 14th. I sent word to Mr. Cann to come and take my statement, and on the second examination before the coroner I gave the same statement. After this I was examined again at the Castle. All the depositions which I signed were signed in your presence.

I wish you to recollect yourself before answering the next question. Since the examinations at the Castle were taken, has any part of what was taken down been read over to you since?—I asked to have the whole of the depositions read over to me before I came to the trial, and Mr. Cann did so. Mr. Cann read all my depositions over. The whole were put together and read over to me, and I objected to that part about the hat and lining. Of course, if the first deposition had been read over to me, in which I stated that you were not out on the night of the 28th of November, I should have objected to it. I have never had anything read over to me but on the occasion that Mr. Cann read the depositions to me. This is the only time. I have seen your cross-examination at the Castle on the two following days. I saw them in the newspaper, but I have never since been asked any questions upon them. Before being examined by the coroner at the Bridewell I knew that the funeral of Mr. Jermy and young Mr. Jermy was to take place. I had told Mr. Cann that when I first came to Potash farm I had seen you as you were passing my room with a hat and a description of cloak on. I wrote it down in the statement I gave him.

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Now I will put the question to you again. Have you ever hinted to any one, or been asked any questions, or given any one the least reason to suspect what you had ever seen me have on at the Potash farm?—I recollect Mr. Cann calling to acquaint me respecting a rumour he had heard concerning me, and asking me if it was correct. I replied it was not, and I then for the first time told him that I had seen you passing into your own room with a hat and kind of cloak on. This occurred shortly before I was ill, about five or six weeks ago.

Have you hinted to any one, or told any one in answer to questions, or given any one a description of any dress you may have seen at the Potash farm that you have not seen on me?—I have often described the different wigs I have seen. I told Mr. Cann about the hat and lining you mentioned to me. When you passed my room I caught a momentary glance of you, and you had your hat on. That I told Mr. Cann.

Mr. Baron ROLFE (reading)—“He had a cloak, which appeared to be wrapped round the arms, but it was very dark.”

*Cross-examination continued*—Are you sure you heard nothing about the cloak at Stanfield Hall?—I did not hear any of the servants, in speaking of the man who murdered their master, mention the clothes.

What did they say?—They were speaking of the man. I heard them say the man followed Miss Jermy through the passage. I overheard this.

It is important to me that I should know in which room you were. You have heard that it was the butler's pantry?—There was some plate there. I know the butler. All the servants objected to my coming to his pantry because there was no fire. I went about three, and left about twelve at night. I was left alone for a long time, but persons came in and out. I first went to the kitchen, but some one beckoned to me to go forward.

How long were you in the room after I left it on the 13th December?—I was never examined on two successive days, except on the 13th and 14th December; and on the first day you declined asking me any questions.

Did not you say you had been questioned so much you did not know what you said?—I had to recollect who was in the room at Potash. My examination took place on the first day, some part of it before you, but you got rather warm, and were taken out of the room. I was under examination four or five hours, during the greater part of which you were absent. Mr. Cann, Mr. William Spalding, and several others were there that day. I believe Andrews and Hubbersty, the superintendents, were there. That was past eleven, nearly twelve o'clock. I have seen Mr. Jones, the clergyman, but none of the servants from Stanfield Hall, nor any part of Mr. Jermy's family.

What about the Wednesday after the murder?—I passed you

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in the yard at Stanfield, and went into the kitchen. I saw young Mr. Cann. The kitchen was full. I did not stay there more than an hour, and I went to the pantry. I sat there two hours before I saw any one. I did not, while in the kitchen, hear anything from any person about the night before. After being there two hours I said I was tired of waiting. The servants began to come in and out. One of them who came in for something asked me if I was cold. That was all that was said. It was later than that when I first heard it mentioned about the man in the passage. I heard one of the servants speak of it to another servant while passing. They said the man walked into the passage after Miss Jermy. I asked the servant if I could go upstairs, as I was on a stone floor. I then asked if I could have a cushion to sit upon, and they said I could not, as the house was full. The servant had a light complexion; she was rather stout. That was after candles were brought.

You have repeatedly heard of the man following Miss Jermy. Did you hear any of them say what the man had on?—I don't recollect anything being said about hat or coat, but I did hear something about pistols.

The Court adjourned.

Third Day—Saturday, 31st March, 1849.

Evidence for the Prosecution—continued.

The PRISONER appealed to the judge to keep witnesses out of Court, and complained that he saw John Stanley in the Court the day before.

EMILY SANDFORD, cross-examination continued by the PRISONER—Do you not recollect my coming to the door of your room upon the night of the murder, and not coming near the bed, but standing by the door?—No.

Have you seen any vesta matches in the room?—There was a box.

Did not I give them to you that night?—No, you gave them to me a day or two before, I think on the Friday.

You may say all you think; recollect you are collected now, not tired as you were last night. You don't recollect anything about draughts or the draughts-board spoken of in the bedroom?—No.

I ask you solemnly to recollect the conversation we had about my poor mother and children being ruined?—There were many remarks made by you on various things, but I don't recollect them.

Whose name was mentioned besides, or were any names mentioned?—I don't recollect.

Do you recollect seeing two letters at Potash to Mrs. Jermy and Mrs. Clarke, the wife of the solicitor, which were returned to me because the postage was not paid?—Yes, I had made copies of them.

Are these the copies (handing some papers)?—Yes, they are.

My lord, I have given the solicitor for the prosecution notice to produce these letters; when is the proper time to do so?

Mr. Baron ROLFE—This is not the time. When the time arrives, if the prosecution do not produce the originals, you will then be entitled to put in copies.

*Cross-examination continued*—You have been questioned about the length of time I was out on different nights, and I ask if I was out half the time on the Tuesday I was on the Monday?—I should think about as long, or perhaps you were not gone so long on Monday as you were on Tuesday. You returned about the same time, nine or half-past nine. Monday was my birthday, and I asked you not to be gone so long as you had been, and you were not gone so long as on the Tuesday.

Don't you recollect we were accustomed to have a great quantity of game when we were in Mylne Street, in London—sent from Potash, I mean, after I had been shooting there?—Yes, you used to bring it with you when you used to come up.

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What conversation took place about poachers when the anecdote about Bruce was spoken of?—You said something about poachers, but you said there was something else which I had better not ask.

Did not this conversation about Bruce and the spider take place on the Friday?—No, on the night of the murder.

Don't you recollect if we talked about poachers on the night of the murder?—Yes.

Do you remember my carrying out a candle for Savory on the night of the murder?—I don't recollect anything about that.

Not when you went upstairs to take off your dress?—No.

Pray, who told you that I said you were gone to France or going to France?

The WITNESS (*to the Judge*)—My lord, is he to be allowed to bring forward my family before the Court, when he has brought me here, and placed me in this position?

Mr. Baron ROLFE—I cannot see what relevancy the question has with the case.

*Cross-examination continued*—I wish to know who told you?—A brother of mine came and told me at the Bridewell.

What brother I will ask?—

Mr. Baron ROLFE—It is of no consequence to you what brother.

*Cross-examination continued*—When did I say this?—Why, you sat by the fire when you saw him, and said this as cool as possible. You said I was gone, or going to France.

Mr. Baron ROLFE (*to the Prisoner*)—You are not so familiar with the relevancy of questions as we are, and therefore I think it right to inform you that whatever is in your favour will be put before the jury, and I do not say there are not many things in your favour you have got out; but if you bring forward matters that have no bearing on the subject, I must tell you that you run the risk of weakening the impression on the jury. You cannot tell the harm you do by asking these questions.

PRISONER—My lord, I think these questions necessary for the construction of my defence, and therefore I must be allowed to say what I please. If I do not ask these questions, how am I to prepare my defence?

Mr. Baron ROLFE—What is the use of asking, for instance, who told her what you said about going to France.

PRISONER—I wish to show she has been prejudiced against me.

*Cross-examination continued*—When did you see the Rev. Mr. Postle, the magistrate, last?—A few days before the trial, and I was told there was a room for me in the Castle.

Who was present?—Mrs. Bryant.

[Here the prisoner said—I should wish Mrs. Bryant to be turned out of Court.]

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Mr. Baron ROLFE—Oh, yes, if you please, but she is not a witness.

PRISONER—Yes, she is one of mine.

Mr. Baron ROLFE—I never heard of a person sending his own witness out of Court before.

PRISONER—She had better go.

[Mrs. Bryant left.]

*Cross-examination continued*—Now, what did Mr. Postle say?—That I was to go to the trial.

Nothing said about me; or what you were to say?—Nothing, but to keep up my spirits and speak the truth.

Did he say where you were to go, how to live, and what home you should have after this trial?—No, and I have no home. [The witness burst into tears.]

And that was all the conversation?—Yes.

Have you ever had any other conversation about these things?—No.

[Mrs. Bryant returns.]

[Mr. Baron Rolfe then, in answer to the prisoner, said the prisoner had a right to call on the prosecution for the production of all receipts and vouchers the witness had produced yesterday.]

*Cross-examination continued*—I asked last night if you had not often made copies of letters written by me to Mr. Jermy?—I have invariably copied all letters written by you and sent to all parties.

Have you not known of my receiving letters from him?—I have seen some letters you have said came from him, but not lately.

Within the last year?—A long time before the murder I saw letters, but I do not know if they came from Mr. Jermy. I have only seen one old letter from Mr. Jermy, and that was in the table drawer. That was how I became acquainted with his signature. I have been given to understand there were letters from Mr. Jermy, but I do not know.

When you were in Mylne Street do you recollect an old will of the Rev. George Preston coming to me? I mean coming with stamped heads on the cover?<sup>2</sup>—

Mr. Baron ROLFE—What has that to do with this charge?

PRISONER—I wish to prove the envelope.

Mr. Baron ROLFE—Oh, prove the envelope if you like. You can ask her if she recollects it being received.

WITNESS—I recollect a parcel coming. It was an old will of the Rev. George Preston. I signed my name to a statement detailing how it came to you. I think Mrs. Johnson signed it also. You wrote to Mr. Jermy and said you had received it.

*Cross-examination continued*—Have you at different times seen large bundles of papers and different documents in my pos-

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<sup>2</sup> Adhesive stamps came into use in 1841.

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session relating to who was the owner of the Stanfield Hall property?—Some old papers? Yes.

Where was the last place you saw any such papers, and about how many? Have you seen any of them about since I was taken away from Potash?—I saw a quantity of papers on the keeping room table, but what they were I don't know. I saw a great many papers on the table in the keeping room, at Potash, on the Thursday. Colonel Oakes and your son were in the room. In passing through the room on the Friday the papers were still lying there. There were some police about, but Colonel Oakes was not there, nor was your son. The police guarded and took care of the papers. When I came down I saw my name in a letter in James Rush's handwriting, to his sister Mary, in which was something about me. I was determined to see it. It was concerning my being brought down into Norfolk so mysteriously. I can't say if any of the papers on the table related to the estate. I saw a square book, on the parlour table, covered with skin, on the Monday before the murder. There were these words outside, "Isaac Jermy's executors' accounts, 1753."

Do you recollect seeing me take some leaves out of that and make a parcel of them?—I can't recollect.

Do you recollect old Mr. Thomas Jermy, Mr. Larner, and Mr. Read coming to me in Mylne Street to sign the agreement for Felmingham farm?—Yes.

And he would not do so until Mr. Read and I persuaded him?—No, and I made another copy. You said Larner and Jermy were going to stay at the farm you used to occupy. You were about a quarter of an hour at breakfast on the morning after the murder. You asked me if any one had put any questions to me. I said, "They had," and you replied, "They had no right to do so." I recollect telling you what I had said to the police. I think you said, "What did they ask you?" I replied, "They asked me if you were out last night."

Do you recollect my making the remark that "I do not wonder they suspect me of the murder, seeing the way in which we have been living at variance with Mr. Jermy for the last eighteen months"?—I recollect that I made that remark.

Do you recollect my saying that if we had been on worse terms I could not have done such a deed as that?—No.

Do you recollect me asking the men who were sitting there if anybody else was suspected, and if there was any reason given why they suspected me?—No, I do not.

Do you recollect what reason I gave for wishing for my cloak?—It was I who wished you to have it. You were sitting at breakfast with your coat over your shoulders, and could not wear it on account of the handcuffs, and I thought it looked very bad. You said that you could not go to Wymondham in that way, and I replied, "Put on your old black cloak which is upstairs." I then went upstairs and brought it down, and one of the police

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took it. I do not recollect your asking the policeman why they had taken the cloak. As you were going away, you said, "Savory can clear me, for he washed my boots at seven o'clock, and I have not been out since." While at breakfast you said to me, "You know I had my slippers on." I replied, "I do not." I did not hear you say anything to the man about either of the Mr. Jermys being your enemy. I do not recollect your remarking, "Some one must have told me of the murder at Stanfield Hall." I have never had any conversation with any one as to what I am to do after this trial is over. I have been asked while in the Bridewell what is to become of my child. I have applied to Mr. Cann to procure me my clothes. I have never received any promise as to my future prospects. Since I have been at the Bridewell I have paid something out of the five sovereigns you gave me. I applied to Mr. John Cann to get the things that belonged to me that were at Potash. He said I was to make an affidavit before they were removed. They refused to deliver up my things to the parties who applied for them. Your son would not let them go. I asked Mr. Cann why they were not given up, and he told me that your son had said you had commanded him not to give them up. My brother did not apply for them. I have only seen my brother for about an hour. I told him I had some furniture at your house.

[Mr. Baron Rolfe stopped this examination, as it was quite irregular.]

I am now coming to the 20th of October. Did I not tell you, as we were going to Potash on the 5th of October, what I wanted to see Mr. Jermy for? I must have you recollect what passed?—You did not say what it was for. You said you had a wish to see Mr. Jermy in my presence.

Was it not about the Felmingham farm?—No, you did not say anything about the farm as we were going from Potash. You were always talking to me about your having a lease of the Felmingham farm.

Did not I on that occasion tell you that we were going to Stanfield about the lease of the Felmingham farm?—No, you only told me you had a wish to have an interview with Mr. Jermy in my presence.

Did not I also tell you—now recollect what I say—that I wished him to let me have the money three years longer?—I do not recollect it. I will swear that you did not then say anything to me about the Felmingham farm on the night that you drove me from Norwich.

Not that night?—No, but you have often told me you expected to have a longer lease of the farm.

Have we not always had an understanding that all letters and papers between us should be destroyed?—Yes, you ordered me to burn all your letters, but I found out that you kept my letters.

# Evidence for Prosecution.

Emily Sandford

I say, was there not an understanding that all should be destroyed?—You would not allow me to keep yours, but you kept mine.

You say I kept yours. What do you mean?—I have heard that you kept my letters, but I have not seen them.

Who told you so?—

Mr. Baron ROLFE—That is not material.

PRISONER—I say, my lord, that is very material.

Mr. Baron ROLFE—I do not see it.

PRISONER—It is most essential.

Mr. Baron ROLFE—If you ask questions like these, I must confine you within certain limits. There is not a third part of all that has been stated which is connected with the real question at issue.

PRISONER—My Lord, look here—

Mr. Baron ROLFE—I cannot allow you to proceed.

PRISONER—I contend that her feelings have been worked upon by persons. Here is a proof of it. She has been told that I have kept her letters. I defy any one to come forward and prove it. I will defy them to produce one.

WITNESS—I myself saw one in your pocket-book in my handwriting.

Mr. Baron ROLFE—Why go into it—it is immaterial.

PRISONER—It is most material—it is most important that I should know who told her I had kept her letters.

Mr. Baron ROLFE—If there is a letter, let it be had in evidence.

*Cross-examination continued*—Have not you proposed that all letters should be burned, and have brought some for me to destroy?—No, you doubted my word, and then I said you should see the letters destroyed, and I took them to you to destroy.

I will go to another point. On a certain occasion, a Sunday, did I not bring some port wine to Mrs. Stacey's house, where you lodged, and did you not sign some papers there?—You were at Mrs. Stacey's on the Sunday. You were there when I came from the Cathedral. You told me that I was to dine with Mrs. Stacey, and that you would bring some wine and a dessert. You were to dine at the White Hart. It was on the Sunday I signed those papers. You brought me a pint bottle of brandy instead of the wine. You have on other occasions brought wine and dessert. You have dined with me there on other Sundays. I think I can swear you were there more than one Sunday. While I was in Mylne Street you always wished me to keep a little brandy by me in case of sickness.

Now on your oath—when you say I took that bottle to Mrs. Stacey's, did I ask you to drink any of it; but did I not tell you it was for use in cases of sickness?—You asked me to take some. I would not, because I had not seen you take any.

# James B. Rush.

Emily Sandford

Did I ever sit down with you at Mrs. Stacey's after dinner and take anything but wine?—On that day you said you should bring wine, but you brought brandy.

Had we not a few words? Did I not tell you that you might report to Mrs. Stacey that I was going to be married?—You told me to tell Mrs. Stacey that you were going to be married to a rich widow, that it might get about Norwich.

Did you tell Mrs. Stacey?—Yes, I did. You also told me to tell Mrs. Stacey that you were going to be married to an aunt of mine; you told me to tell her, and I did so.

Have you not told me that I should repent the day that I did not make you my wife?—I told you you would never prosper after the day you refused to make me your wife, or something like it. But that was two years ago. I told you you would not prosper after you had broken your promise, and you have not.

Have you ever told me that I should not marry anybody else but you?—You have told me so. You told me so when I charged you with being unfaithful. You said I had made you a reformed man. You have said so repeatedly.

When I told you to make the report about our being married, had we not a few words about it?—At the time I thought it was a joke.

Were you not unhappy about it?—No, I was not. I only thought it a joke, and, after I had told Mrs. Stacey about it, you know we laughed about it. I told you at the time that if you were married it should be by proxy. I always thought it a joke. You told me I should wear weeds, and I told you as soon as I did I should marry again.

Did I not object to you that you should have written me a letter complaining of my conduct—I mean when you were at Mrs. Stacey's?—Yes, you did.

There were words between us?—Yes.

Did I not say what a fool you were to have written a letter of that kind, and that I would not have my children, James and Mary, know it for the world; and that I did not wish anybody at Felmington to see such letters?—Yes.

[The prisoner examined the witness about the papers she had signed and relative to the deposition made before the coroner; as to the time when she, Larner, and others, signed an agreement in London; and after reading many sentences, which she admitted to be correct, he read the termination of one sentence as the commencement of the following. The judge, after correcting the prisoner, who persisted that he read correctly, then read the deposition himself, from which it appeared that witness stated that she saw Larner, T. Jermy, and Read sign a paper in London on the 5th of October, and that she signed it as a witness, not on that evening, but on the following morning. Witness said she was never asked to sign till after the parties alluded to were gone;

## Evidence for Prosecution.

Emily Sandford

but she could not now say positively if it was on that evening or on the following morning.<sup>3]</sup>

GEORGE PINSON, examined by Mr. Serjeant BYLES—I am governor of the gaol. I was present at the cross-examination of Emily Sandford on the 14th of December. I heard the prisoner say, “If you sign that,” pointing to the depositions, “I hope your hand will rot, and if you bear a child by me, I hope it will be born with a brand on it.” It was after he used these expressions that he gave me a letter. He gave me this on the 4th of January. I had received one like it before. I was present at his examination before the magistrates.

Cross-examined by the PRISONER—That letter I sent to Mr. Cann, the magistrate. Ultimately I received a note in reply, which I read to you.

PRISONER—I should like to have that note put in.

Mr. Serjeant BYLES—It shall be produced.

*Cross-examination continued*—I received this carpet bag from you. It is in the same state as when you gave it to me. You pointed out to me that the lock had been broken. I wrote down the expressions used by you at Emily Sandford’s examination immediately. I have the notes by me now. I said something to you on the previous day about taking a wrong course. I do not know that the magistrates purposely sat between you and Miss Sandford at the examination. They did to a certain extent, but she saw you.

Re-examined—I was present during the examination of the prisoner before the magistrates. His conduct was very violent, and he called the magistrates a set of villains. But my attention was more directed to his actions than to his words.

HONOR HOLMES, examined by Mr. EVANS—In the month of November last I was kitchen-maid at Stanfield Hall. On the evening of the 28th November, in consequence of something that was said to me by Clarke, I went across the bridge over the moat about half-past eight. I passed three young men, named Harvey, Todd, and Howes, with Clarke and Leach, two other maid-servants at the Hall, with them. We all went through the gate at the end of the bridge towards the Ketteringham bridge. When we got through the gate we heard the report of a gun or pistol. We were going towards the Ketteringham gate. That is a gate in the middle of the lawn. We heard two more reports before we got to the gate. We heard the dinner bell ring just after we passed through the gates. Leach and I turned when we heard the bell. We returned to the house by the bleach ground. In doing so we

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<sup>3</sup> The object of the prisoner in the false reading was probably to attempt to prove the witness had signed at the same time Larner, Read, and Thomas Jermy had signed.

## James B. Rush.

Honor Holmes

should not have occasion to cross the bridge, but we went into the stable yard, and left the shrubbery on the left. Leach went into the house first. We heard Chastney call. We found her at the bottom of the staircase. In the course of the evening I picked up a paper. It was about twenty minutes after we returned. The paper marked "Z" is the one I picked up. I found it near Eliza Chastney's feet, in the passage, at the foot of the back staircase. About three weeks before the murder I heard noises of a person walking past the house. It sounded like a person walking past the kitchen windows. I heard these noises three or four times. When I heard these noises I looked if I could see any one, but I could not. A few days before the murder I and Clarke were outside the side door of the house. I then observed a light proceeding across the lawn, and there appeared to be a man in a cloak crossing the lawn, and going towards the Wymondham lodge. I should say he was 300 yards from the house. About a week before this I saw a light cross the lawn, but I was not able to observe any figure owing to the darkness. Eliza Chastney was then with me. The first time I saw the light it passed out of the Wymondham lodge gate, and we watched it as far as we could.

Cross-examined by the PRISONER—When I left the servants' hall that night the cook (Read) and Eliza Chastney were there. I had no bonnet on when I went to the bridge. I had no bonnet or shawl on. I did not go back for my bonnet or shawl. None of us went back for them. Mary Clarke told me there were people at the gate who wanted to speak to me. When I went out there were four persons standing by the gate. Maria Leach went out with me. I did not stand at the gate three minutes before I left. Maria Leach said she would go back for her shawl and bonnet, but I told her not. Clarke was outside the gate; she was with three young men. We all left the gate when we heard the first report of the gun. I recollect young Harvey being there. I was standing next to him. My back was turned to the Hall. I turned round to look. I heard a groan. Harvey said he saw somebody against the Hall. He said he heard somebody and he saw somebody. I heard the door bang very loud. The noise was like a door closing. It made a great noise, but not like a gun. It was directly after the report of the gun. I had got about 240 yards from the bridge when I heard the next two reports. I should say it was about two or three minutes from one report to the other. I had got about 136 yards up the drive when I heard the bell. I and Maria, and, indeed, we all, stopped after we heard the bell. I told Mary Clarke to go to the lodge. I and Maria Leach came back. We came as far as the drive gate. I then went across the grass to the stables. From the time I left the bridge to the time I got back again to the place where I crossed the grass to go to the stables was about twenty minutes. I got to the Hall in twenty minutes. It does not take long to go from the stables to the Hall. I went in at the side door, not the stable door. Eliza

## Evidence for Prosecution.

Honor Holmes

Chaastney called to me. She was lying wounded at the foot of the stairs. Maria Leach went into the servants' hall. Eliza knew me, and called me by name. I found the paper about three minutes after her. I had not then seen Watson. I had not heard of another piece of paper being picked up. I afterwards heard of one being picked up. It was when Mr. Stanley came. The paper was near the butler's pantry, past the staircase. I did hear Watson say that he picked a paper up and threw it down again. It was about half an hour, or three-quarters of an hour, after that Eliza Chaastney was carried upstairs. I heard the two reports quite plainly. I was about 240 yards from the Hall. I had not picked the paper up more than half an hour when I gave it to Mr. Clarke. I have seen the paper since.

PRISONER—Will Clarke be called?

Mr. Serjeant BYLES—Yes, if you wish it.

*Cross-examination continued*—I did not see any person on or about the lawn that night. There was a light at the window by the butler's pantry.

If anything had moved past that light would you not have seen it?—I do not know. I did not pick up any pieces of lead. The day after the murder Emily Sandford was in the cook's pantry. I saw her go into the housekeeper's room to be examined by the magistrates. That was on the Wednesday, about three o'clock in the afternoon. I did not see her going into any other room. I saw her until about ten o'clock that night. She was all alone in the cook's pantry. She told me she was very faint, and I made her some tea. She asked me how Mrs. Jermy was, and how the servant was. She said it was a shocking thing. She asked me whether you were there. I told her you were up at the stable. I do not know whether Mr. Harvey went into the room. I have not seen her since she left the Hall.

Re-examined—We had got 150 yards in the drive when we heard the bell ring. I heard three reports altogether. The first I heard against the gate outside. I had got 250 yards before I heard the next. I had got 150 yards in the drive when I heard the bell ring—this was from the drive gate. We had not got through the drive gate when we heard the two reports. From the bridge gate to the drive gate we went along the grass. The reports followed as quick as possible.

JOHN STANDLEY, examined—I was at the Hall on the evening of the 28th November. I was there about nine o'clock. A paper, which had been picked up, was given to me by Watson, the butler.

Cross-examined by the PRISONER—I was at my brother's when I heard that something had happened. His house is near the church at Wymondham. I was told by my servant. I went to the Hall—no one was with me. I passed Mr. Cann as I went. I do not remember if I saw anybody else. I was on horseback. I saw Stubbs first at the Hall. He was not there when I went. If any-

# James B. Rush.

John Standley

body had been in the drive I might have seen them, though it was dark and windy. I did not see Mr. Colman. I saw no object in riding from the bridge to the stable yard. I did not look in the porch. I rode by without looking. It was five minutes after I got to the Hall before I saw the body of Mr. Jermy in the porch. Watson and I were together when Mr. Jermy was found. Watson told me where he picked up the paper. I do not know the time when I left Wymondham. I was at Mr. Clarke's office at eight o'clock, and about twenty minutes after I heard of what had happened at Stanfield. I ran home, got my horse, and rode to the Hall. I rode as quickly as I could. It is not more than three miles. I did not hear Watson examined in the brown parlour. I heard Watson say the man he saw in the hall was a low, stout man. He did not describe his dress. I did not pick up any shots.

I beg to ask you—and this is important—if it had not been for what has been said about the lawsuits, and the publications, and all those things—you know what I mean—I ask you now if these things had not happened, and I had not been spoken of, would you have suspected——

Mr. Baron ROLFE—No, I cannot really allow this.

*Cross-examination continued*—Well, have not these things in some measure influenced you?——

Mr. Baron ROLFE—Really, I cannot allow such questions.

*Cross-examination continued*—Well, did you know of any pamphlets being published?—I have seen one.

Do you know I was not paid for the turnips?——

Mr. Baron ROLFE—Oh! How can he speak to this?

[The Prisoner declined to ask any further questions.]

JESSE WHITE, examined by Mr. Serjeant BYLES—I am an accountant at Wymondham. I have known the prisoner ten or twelve years. He was at one time an auctioneer and valuer at Wymondham. I acted as his clerk about four years. He made inventories and other papers, and I have copied some that he had made. What I have copied were papers relating to his business as an auctioneer and valuer. I have often seen him write. I have not very frequently seen his writing since. I could not go about with him after December, 1842, though I have done writing for him since, but not a very great deal. I am acquainted with his handwriting. The letter produced by Mr. Pinson, and addressed by the prisoner to Mr. Cann, is in the prisoner's handwriting. The letter dated 28th April, 1848, I believe to be in his handwriting. The letter dated 2nd October, 1848, addressed by prisoner to Mr. Read, is in his handwriting. The body of the notice now shown me, signed "Thomas Jermy," dated 12th October, 1848, is in the handwriting of the prisoner. The signatures to the papers now shown me, bearing date 23rd October, 1848, the 26th October, 1848, and the blank day of October,

## Evidence for Prosecution.

Jesse White

1848, are in his handwriting. The papers "A" and "B," which Emily Sandford produced, are, I believe, signed by Rush. I have seen the paper marked "Z" before, and, on a careful examination, I believe it to be in the handwriting of Mr. Rush. I believe the paper "Y" to be in his handwriting also. It is not his usual hand.

Cross-examined by the PRISONER—Will you tell us your reasons for believing the papers you have mentioned to have been written by me?—From certain letters that are there.

Do you mean letters that are in some words?—Yes. The letter "T" in the paper marked "Y," and the small "a" in both papers. The letter "J" in Thomas Jermy.

What makes you think that?—I think it is the character in which you usually write that letter.

[At the request of prisoner a letter was shown, when he asked witness to point out where he considered the resemblance consisted.]

WITNESS—There are particular letters in that paper, but I have seen the same general character in other papers. The "J" in the paper marked "Y" is not exactly like that.

Are there any other letters in the cover marked "Y" that you think are mine?—The "F" in both those papers.

What other letter?—The "F's," generally speaking. I might mark the whole.

Have you any other reasons?—The capital "P" in the paper marked "Z" is very much like yours.

Mark the letters you say are like mine, and hand them over to me. Will you count them, and say how many "J's" and how many "Y's" you mark, that the jury may have an opportunity of comparing and judging—

Mr. Serjeant BYLES—The letters will all be put before the jury that they may compare and see for themselves.

Mr. Baron ROLFE (*to the prisoner*)—All these letters and documents you find are to be in evidence, and will be examined by the jury, therefore the jury will be able to form their own opinion whether there is sufficient in that paper cover, or any other papers, to enable anybody conversant with your handwriting to recognise any resemblance.

PRISONER—Yes, but I thought the prosecution would put a mark where they thought there was any resemblance.

*Cross-examination continued*—I ask you now, how long it is since you have done any writing for me?—The last Lent Assizes, when the case for breach of covenant was tried. I was writing for you the whole day at the Bell, besides copying part of the brief. I had not done any writing for you before that time for three or four years.

Will you swear that is my handwriting (pointing to one of the papers found in the hall)?—I swear I believe it.

# James B. Rush.

Jesse White

Have you seen any of my writing besides what you saw at the Assizes?—I saw a number of papers of your writing, but before I had examined them it struck me they were your writing. I was shown the letters in question about a fortnight or three weeks back.

Re-examined—Just show me the “P” you speak of in the cover?—It is the largest “P” in property.

PRISONER—Was it “P” or “B” I heard about before?

Serjeant BYLES—The “P.”

*Re-examination continued*—I think I heard you mention some other letters?—The small “f,” and the “P” and the “J.” I think the final “y” in Jermy is his, but I would not swear to it. I have an opinion it is so, but it is not in his usual hand. I go by the general character of the writing.

Mr. Baron ROLFE (*to prisoner*)—Do you wish to ask the witness any further questions?

PRISONER—No, 'tis no use, he will only swear 'tis.

THOMAS JARROLD, examined by Mr. EVANS—I am a bookseller and stationer in London Street, Norwich. The prisoner occasionally dealt at my shop. In 1844 I made sets of mercantile account books for children to learn book-keeping. Those sets consist of three large and two small books. I produce a packet of the kind, and in the way in which they are sold. We make no point of having a similarity of colour in the marble-patterned covers. The outer covers are three sheets of paper pasted together; but two sheets are more common and cheaper. There are ledger, bought-ledger, and daybook. The ledger and bought-ledger have a plain fly-leaf, but the daybook has none, and that is always the case. In the daybooks the lines of the first leaf have made impressions on the inside of the cover. It is a very unusual thing, and in some of the ledgers now shown the impression of the blue line from the fly-leaf is upon the cover. They are not watermarks. The lines are ruled with pens on metal plates, but it is very unusual. The two books, ledger and bought-ledger, shown me as coming from Potash farm, were bought of me.

Look at these two covers found at the Hall?—They are of the same description as the other book. The space where a label has been removed is the same size as the labels on the others. The paper marked “Y” does not appear by this light to be marked like the others. In the paper marked “Z” I can see a line of the same width, which in such a book is unusual. I have seen and examined the papers, or two covers of books, found in the hall, and have no doubt they form part of the same book. I have no doubt the two papers now shown me formed the cover of one of the books we made, and I believe so from the marks.

Cross-examined by the PRISONER—In 1844 we made a lot of 100 sets. Before that we had made a lot, but they had a larger label, so that they were not exactly similar. Out of those 100 copies we

# Evidence for Prosecution.

Thomas Jarrold

have, I think, about a dozen sets. We have usually sold them to schoolmasters, in sets, to teach in schools.

The description of lines you mention would probably be equally seen in one set as in another?—In all that I have examined of the daybooks, made in 1844, I have observed the same mark. I am not aware if you have invariably had a bill for articles you bought at our shop.

If I have been in the habit of buying, it has been for myself. If I sent the teacher or children, it would be put down. Have you examined your books to see if such an entry was made?—I have looked, but can find none.

Are you able to describe the size of the labels? Are they all of a size?—They are all of a size; they were all printed together. The book now handed to me is one of the books we made.

Now, cut a piece of paper the size of the daybook label. Do it yourself. I would rather have you do it yourself. Compare what you have cut with the mark where the label has been taken off the cover found in the hall. I say they are not both of a size——

Mr. Baron ROLFE—How can this be done to your satisfaction when the label on the cover has been torn off and the place is ragged.

PRISONER—He has said they are both of a size, and he must prove it. See, his hand shakes.

Mr. Baron ROLFE—That is why it was better to fold than to cut it.

SAMUEL BIGNOLD, examined by Mr. PRENDERGAST—I knew the late Mr. Jermy, and was acquainted with his handwriting. I believe that the signature to the documents marked “A” and “B” are not in his handwriting. I am convinced that the signature to the document marked “C” is not in his handwriting.

Cross-examined by the PRISONER—I never said they were in his handwriting. I had not seen these papers before being examined at the Castle. I believe the writing is not like Mr. Jermy's character. The “J” in one of these is not like his, and I never saw him write his name in that way. The signature to the paper marked “C” is more like his writing, but it clearly has the appearance of a tracing. I have not seen the papers since the examination. I have no recollection respecting a remark made about the signature to the mortgage deed.

Mr. Serjeant BYLES—The deed will be produced.

PRISONER—When the mortgage deed shall be produced, I trust I shall be allowed an opportunity of comparing the signature of Mr. Jermy with these.

Mr. Serjeant BYLES—Certainly.

[The mortgage deed between Mr. Jermy and Rush was produced.]

# James B. Rush.

Samuel Bignold

*Cross-examination continued*—That is my signature to the deed, and I saw Mr. Rush and the late Mr. Jermy execute it.

[The prisoner then compared the signature of Mr. Jermy attached to the deed with that to the agreement, and requested that the jury might have an opportunity of doing the same. The deed was dated 30th November, 1838, and it recited two former sums amounting to £3500. It then recited further advances made by Mr. Jermy to Mr. Rush of £900 and £600, and the last portion of the deed set forth that in consideration of the advance of £600 Mr. Rush charged himself with the whole sum of £5000, and covenanted for the payment of this amount, with interest thereon at the rate of £4 per cent. The deed specified that the payment of interest was to be made half-yearly in the ordinary way, and power was given to Mr. Jermy to distrain for interest. He then declared that notwithstanding anything herein contained several sums mentioned were to be lent for a term of ten years, to be computed from the 30th November, 1838.]

EMILY SANDFORD (*recalled*), cross-examination continued by the PRISONER—Can you state why you insisted so positively on accompanying me to Stanfield Hall on the night of the 10th October?—No; you told me positively that I was not to go with you, and I wished to do so.

That is not my question. Have you not omitted some material evidence why you should like to go to Stanfield?—I wished to go with you. There was nothing ever said about Mr. Jermy having called me a French doll, excepting upon one occasion, about a twelvemonth ago. It was my own proposal to go to the Hall that night. You wished me to remain in the gig. I never told any one that I went to Stanfield Hall on the night of the 10th of October.

Then I ask you why you insisted so pressingly to go with me to the Hall?—You know very well that it was because I wished to accompany you.

How could you wish to accompany me when you knew very well that Savory was going to drive you to Norwich?—You know very well that was the case.

Have you not stated that the time was not fixed for your going to Norwich until eight at night?—At tea you said you would drive me, but after that you said Savory should drive me.

PRISONER—My lord, I shall not occupy your time with asking any further questions with respect to this part of the case. It will come out when the depositions are read. (*To Witness*)—Have you not a square wooden box that a widow's dress was kept in with "George Preston" written on the top?—There is one.

Have you not a gold watch besides the one you wear, which I gave you to take care of for me?—You gave me one at Mrs. Stacey's. No person has ever given me any money since I lived with you, except what I received for music lessons. I have bought

## Evidence for Prosecution.

Emily Sandford

goods with your money. There was the bed. I have the receipt, as I paid the man myself. That I will swear. [The receipts were produced.] The one you have handed me is for the sofa. That is the one I paid. A witness signed her name to it, who saw me pay it. The bill was made out to the wrong person. It was made out to "Mr. James" instead of "Mrs." I have never bought anything besides trinkets for myself. You were called "Mr. James." You passed as my uncle in London. They did not know your other name. You used to see after things for me, as my uncle. I have never altered "Mr." to "Mrs." by putting an "s" to it, to make it appear as if the things were bought for me. The receipt produced was made out "Mrs." when you gave it to me.

Look at that "s"; has not that been altered?—I have not done it.

Was not the piano paid for out of my mother's money?—How should I know? You said you were about to go into business, and to change your name.

PRISONER—My lord, I will not ask her any more questions. It is of no use.

PHILIP BOUGEN, examined by Mr. PRENDERGAST—I was at Stanfield Hall on the night of the 28th. I got there at twenty minutes past nine. I produce a ramrod I found in the passage leading to the staircase hall, close by the skirting where young Mr. Jermy lay. I observed the walls. There were shot marks in the opposite side. The body lay partly in the hall and partly in the passage.

Cross-examined by the PRISONER—I do not know the difference between the railway time and the Stanfield Hall clock. I knew the time, because a gentleman pulled out his watch. I went to the Hall in a fly. There were lights in the fly. Mr. Seeker and others went with me. We got out of the fly on the bridge. I did see the body of the elder Mr. Jermy. I had not been told where he had been shot. It was a very dark night. I did not hear Watson examined in the brown parlour. The ramrod was found in the passage. I did not pick any lead up. It was my son who picked it up.

WILLIAM BAILEY, examined—I live at the Ketteringham lodge, Stanfield Hall. On Friday, 24th November, between four and five o'clock, I heard the prisoner in my house. I had dressed corn for him the year before, and had difficulty with him about payment. Money is still due for this. He asked how much corn I had dressed for him. I told him, and he said that was quite right, and he would settle with me. He then asked if Mr. Jermy and young Mr. Jermy were at home. I told him they were both at home when I left work. The prisoner has not settled with me.

# James B. Rush.

William Bailey

Cross-examined by the PRISONER—I was paid for some, for 60 coombs<sup>4</sup> and 3 bushels. Part of the corn was brought from another man. There was a lot of 114 quarters I dressed for another man. The 60 coombs and 3 bushels were put by themselves, and the other portion was left lying on the floor. You told me you would pay for the whole of it, and nobody else. You never told me you were going to London, and that you would see the man to whom the corn belonged, and that you would see me paid. I was planting shrubs at the Hall on Tuesday, the 28th. I left work between four and five o'clock. I went home and kept there all night. The cook, Read, told me of the murder. She came down to my house. Another servant of the Hall was also in the house when the cook came in—the laundrymaid, Clarke. I saw no stranger about the lodge that night, or about the road.

ELIZABETH COOPER, examined—I live at East Carlton. I remember the day of the murder. On that day I was near the Ketteringham lodge entrance to the Hall. I had been to the Hall. In the grounds I met the prisoner, who was going towards the Hall. He said, "Do you belong to the Hall?" I replied, "No, but I have come from the Hall." He then asked if Mr. Jermy was at home, and I said I had seen both the Mr. Jermys half an hour since with the men who were planting. I went on. He turned and followed me. When I got through the lodge gate and turned towards Carlton about a hundred yards, he came up and again asked if I belonged to the Hall. I again said that I did not. This was between four and five o'clock—a little dusk.

GEORGE SPENCER COULSON, examined—I keep the Cringleford gate, on the road between Wymondham and Norwich. A week or ten days before the murder the prisoner asked me if the Mr. Jermys had gone home through the gate. He made the same inquiry once after that time. The inquiry was made on both occasions between half-past three and five o'clock.

Cross-examined by the PRISONER—I believe I have always told the same tale. I cannot fix the date of the inquiry. It might have been ten or twelve days before the murder. The second inquiry was on a Saturday.

JOHN CHAPLIN, examined—I am gatekeeper at the Cringleford railway crossing, on the road from Stanfield to Norwich. I saw the prisoner on the Saturday before the murder. He asked me if old Mr. Jermy had been through that morning. I replied no. He then asked if that was the way he came. I told him he came that way at times.

WILLIAM FREDERICK HOWE, examined by Mr. PRENDERGAST—I live at No. 1 Marble Street, Greenwich. I was a clerk to Mr. Waugh,

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<sup>4</sup>Four bushels each.

# Evidence for Prosecution.

William Frederick Howe

the solicitor. I have been acquainted with the prisoner. In December, 1847, I was in Rush's company in London, in St. Catherine's Street, Strand. There was some conversation about fighting. A fighting-man came in. We were at refreshment rooms kept by a man named Jessup. Rush asked who the fighting-man was, and he was told it was Samuel Simmonds. Rush took up a glass of claret before him, and said, "If I could strike like Simmonds I would knock Jermy down as I would a bullock." In the end of 1847, or very early in 1848, the prisoner called at Mr. Waugh's office. I had been given to understand an action was going on in which Mr. Waugh was concerned for Rush, and Mr. Serjeant Byles was retained. It was an action of ejectment. The prisoner and myself were talking about it. Mr. Waugh was out of the office when Rush called, and as I was going out at the time we walked towards Great James Street.<sup>5</sup> He said, "It will not be long before I serve him with an ejectment," or "an ejectment for another world." He was speaking of Mr. Jermy. When Mr. Waugh was out I used to see Rush, who on such occasions spoke of Jermy as one man speaks of another whom he is at law with, but he was also violent.

ROBERT SMITH, examined by Mr. PRENDERGAST—I was in the employment of the prisoner. I remember Mr. Jermy being killed. I laid down some straw, by Rush's direction, on part of Potash farm. I know the way from Potash farm to Stanfield Hall, going across the field along the loke through the turnip field. I scattered some straw through the Fifteen Acres, in the path on the bank, through the half-way of the Fifteen Acres, in the worst of the places where it was dirty. I did not lay any straw down in the path along the Seven Acres. I only went half-way along the Fifteen Acres. I laid the straw about noon or two o'clock on Tuesday, the day of the murder. I did not lay any straw there the Friday before, but when I laid it there, there was some that had been put there before.

Cross-examined by the PRISONER—The men were at work in the turnip field the day you told me to lay the straw. There was also some carting of straw to cover the turnips and beet, which I was pulling off the land. You were backward and forward. As the carts were coming past, you ordered some to be littered on the banks over the worst parts. I laid about thirteen or fourteen forkfuls of straw on the bank. It was very bad walking. About 100 or 120 yards in the Fifteen Acres were quite impassable. After laying the straw, I returned to the Twenty-Acre field, after the crows. There had been straw littered on the path ever since the pigs went backward and forward to "shack"<sup>6</sup> part of that

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<sup>5</sup> Close by Bedford Row, which was then, and to some extent is now, a hotbed of solicitors.

<sup>6</sup> To feed on the grain fallen from the ear, and also on the stubble.

# James B. Rush.

Robert Smith

field of beans after harvest. I have driven the pigs there, and they went on the bank. Nobody could walk there on the road by the side of the bank. You used to come to the men at work by walking along the bank. I have never known straw littered anywhere else. I never received orders from you but on that occasion.

Re-examined—The Fifteen Acres was the last field on the farm. There were turnips in the Fifteen Acres. The path led nowhere across the Fifteen Acres but to Stanfield Hall. It was a footpath for anybody that lived at Potash to go to Stanfield Hall, but not for anybody else.

Further cross-examined by the PRISONER—Don't you know there was a great deal of straw from the Fifteen-Acre gate over into the loke?—Yes. It had been laid there from harvest, and was very bad. No one could go out of the Twenty Acres to the loke without seeing the litter.

WILLIAM FUTTER, examined by Mr. EVANS—I am one of the county police. I was at Potash farm on the Friday morning after the murder. I took the time of the clock, and on the same day I took the time at Stanfield Hall. There was a quarter of an hour's difference between them, Rush's being the faster. I went to Potash farm across the fields. I went down the loke into a field, where there were some stacks on a wheat stubble. I don't know the name of the field. I went across the lawn over two bridges that are over ditches, and after crossing the second bridge I turned to the right into a pasture after I got through the gate. Coming from the bridge the gate led to the left. On passing through, I turned to the right and went over a gap into a ploughed field, walking on the grass upon the top of the bank. I went till I came to the boundary, when I found a tree lying across, by which I got over into the turnip field. There was a lump of straw lying there. I think I went over 30 yards, and found a lump of straw on the ploughed land. I then came to a bank and found straw on the top of it. I went along the bank into the loke, and there was straw all the way scattered on that bank. At the end of the bank is a gateway.

Cross-examined by the PRISONER—On Friday after the murder I compared the time. I don't know how those clocks compared with the railway clocks. I have never had my examinations mentioned to me by Mr. Cann. I have been the way I have described many times since. I think I went the next day. I am not aware I saw anything different. I believe when examined I spoke the truth. The straw I saw on the path might have been there a fortnight. I could not see in some places what thickness the muck was that was made with the straw. I did not examine it. I should think the straw had lain there a fortnight, from what I saw. I believe there was some straw in the next field.

## Evidence for Prosecution.

William Futter

Could you not see that part of the field had been beans?—I could see that part next Stanfield Hall was turnips, but did not see that the other part had been beans. I should have known if I had seen bean stalks. The lump of straw was just over the bank, close by the side of the bank. I walked up to, but not over, the lump of straw. It wanted five minutes to nine by the Stanfield Hall clock when I took the time, and I then went to the Potash and found it was ten minutes past nine. There was a quarter of an hour's difference.

By Mr. Baron ROLFE—There was exactly a quarter of an hour's difference in the time?—I remember what time it was by the Potash clock. It was half-past nine.

Mr. Baron ROLFE—It is evident you are so confused and so inaccurate that your statements cannot be relied on—you may go down.

Mr. COLMAN, examined—I am a farmer, residing at the Hall farm, and know the fields lying between Stanfield Hall and Potash farm. I have seen the prisoner crossing these fields in the direction towards his own house, I believe. I saw him on the bank of the Seven Acres. I saw him pass over the Fifteen Acres. I did not observe which way he went after he got out of the Fifteen-Acres field. I think this was in September last. He told me that he had been to Stanfield Hall. There was a boy at work in the Seven-Acres field, and when he came up to me he said, "I must not be angry with him for speaking to the boy." I believe he said he had been talking to Mr. Jermy. I have measured the distance between Stanfield Hall and Potash, and I have found it 7 furlongs.

Cross-examined by the PRISONER—In measuring I went across the gap into the old Seven Acres. After I got into the Fifteen Acres I passed down the bank that was littered with straw. I am not aware that this part of the Fifteen Acres adjoining my land was planted with beans. I think I saw some men hoeing beans, but I am not sure. When I got over the Fifteen Acres I saw a lump of straw in a corner. I cannot say that I have seen pigs lying on the straw in the field. It was in the daytime when I saw you walking there. It would have been very dangerous, unless I had known the path, to have passed that way at night.

The Court adjourned.

#### Fourth Day—Monday, 2nd April, 1849.

Mr. Baron ROLFE—Prisoner, you spoke of the witness Howe on Saturday. I may tell you that I have received a letter relative to that witness. It is a very improper course to send me letters. I have not retained the letter, but handed it over.

PRISONER—I have also had many pieces of information sent me about this person, and I should wish his cross-examination again postponed.

Mr. Baron ROLFE—Let it be so.

#### Evidence for the Prosecution—continued.

GEORGE PONT, examined by Mr. Serjeant BYLES—I am one of the county police. I got to Stanfield Hall on Tuesday, 28th November, about twenty minutes past nine o'clock. I saw both bodies before they were removed to the dining-room. I picked up five slugs near the body of young Mr. Jermy on the staircase hall side. [Slugs produced and handed to the judge.]

Mr. Baron ROLFE—Slugs you call them?

Mr. Serjeant BYLES—They are irregular pieces of lead.

*Examination continued*—More policemen arrived during the night. Myself and others, by the magistrates' order, went to Potash farm. We stood at intervals near the house. We got there about half-past two o'clock. About three o'clock a dog on the back premises gave a slight bark. Solomon Savory was the first that came down. He had a light, and came from a lean-to at the back of the premises. He was going from the back kitchen to the stable. He passed me in the yard, and then returned. I sent Savory with a message to the prisoner, and he returned to me. After the message the prisoner came down into the kitchen. I went into the kitchen. I said, "You must consider yourself my prisoner, on suspicion of murdering the two Mr. Jermys last night." I handcuffed him at the same time. He first said, "The two Mr. Jermys murdered! I don't like these," alluding to the handcuffs. "God knows I am clear of that." I searched him, and I have got all I found on him but some keys, which I gave to Futter. I found a half-sovereign and 13s. 6d. in silver. I found fourteen keys of different sizes, a pocket-book, and a cheque inside, dated 25th November, 1848, drawn by Candler on Gurneys, bankers, in favour of the prisoner.

The pocket-book was then put in, and the following memoranda read by the Clerk of the Arraignment:—"20th Sept., 1848. Potash interest due. Principal due 30th November, 1838." [Mr. Serjeant

# Evidence for Prosecution.

George Pont

Byles—This date is an error, and should be 1848.] “Friday, October 27, called on Jermy. He has found out I am in earnest at last.” “November 24th, Tuesday. Met the recorder in the morning—agreed to see him in the afternoon.”

Mr. Serjeant BYLES—There is also a memorandum under the date of 30th November, in pencil, I cannot make out. I conjecture it to be a mark of some kind, but I cannot make out what.

Mr. Baron ROLFE (taking the book)—I cannot read it; it is impossible.

The PRISONER here said he had applied for the pocket-book, and he wanted it, as it contained dates to which he wished to refer, but could never get the book. The book was then delivered to him.<sup>7</sup>

*Examination continued*—I found a white pocket-handkerchief. I went with the prisoner upstairs. I unlocked a door with a key, one of the fourteen taken from the prisoner. I went to a closet in the prisoner's room. It was locked. I unlocked it with another key shown by the prisoner, and went in. I here found two guns, double barrelled.

[The guns were brought into Court by Robert Thompson, policeman, who had charge of them.

Pont was here ordered out of Court, by the request of the prisoner, while Thompson was examined.]

ROBERT THOMPSON, examined—I drew the charges from these guns, which were afterwards replaced. The measure of the short barrel is 26 inches, and the long barrel 31 inches. I found on the mantelpiece a box with bullets and caps. I took the caps off one gun, and Pont took the caps from the other.

[The prisoner here wished that the charges of the guns should be again shown, as he wished to see the shot. Policeman Thompson and Pont attempted to draw the charge, but could not, the screw of the ramrod being worn. The short gun was then drawn by a gentleman in Court, and a portion of the shot handed to the prisoner. The prisoner laughed heartily at the awkwardness of the police.]

GEORGE PONT (*recalled*), examination continued by Mr. Serjeant BYLES—I saw a powder flask in the closet, and one in the drawer. There was also a shot bag. I said to the prisoner, “You used to have pistols.” He replied, “I used to have, but have none now.” I went with the prisoner to the Bridewell, at Wymondham, in a pony gig. I think we started between seven and eight o'clock. As we were going along the prisoner said, “Is there anybody suspected beside me?” I replied I did not know.

By Mr. Baron ROLFE—No one induced him to say a word?—No.

<sup>7</sup> It was at this moment that he abstracted a cheque for £40 from the pocket. See p. 37.

# James B. Rush.

George Pont

*Examination continued*—He also said, “ I am on better terms with the old gentleman (the elder Mr. Jermy) than I used to be, but the young one and I do not get on. I think it was the last time I was at the Hall I told the old gentleman I would not sign if the young one was in the room. The old gentleman told the young one to leave, but he said he thought he had a right to remain in the room.” The prisoner also said he had called at the lodge to ascertain if young Mr. Jermy was at home, as he thought he was at Norwich, at the concert. Finding he was not at home, he did not go to the Hall; if he had gone, he should have got there about eight o’clock, as that was his usual time. If he had gone, possibly this occurrence would not have taken place; but this he could not say. He also twice observed he was sorry for them (the Jermys). On Wednesday evening I examined the clock at Potash, and afterwards that at Stanfield. Potash was the fastest by a quarter of an hour. From the time of his apprehension, with the exception of the time the prisoner had his breakfast at Potash, till he was placed in Bridewell, I had charge of him. Before breakfast the prisoner said, “ It was about eight o’clock some of you say? ” Morter was present, and observed, “ No one said this but yourself.” I asked Savory for his master’s boots the same morning. He showed me a pair of boots in what is called the back kitchen. They were wet when I found them. In other respects they were in the same condition as now produced. A second pair, which I now produce, I found under the bed; they were dry when I found them. There was another pair of thick boots in the wash-house that were also dry, and a pair of patent leather boots were taken from under the bed. They were dry also. I know of only four pairs of boots, and of them only one pair was wet. Yesterday I walked from Stanfield Hall to Potash along the fields, and it took me fourteen minutes.

Cross-examined by the PRISONER—I have kept possession of those pieces of lead since I first had them. There was a light when I picked them up. There were not many. It was a short time after finding the ramrod that I picked them up. I was not present when the ramrod was found, nor have I said I was. I was not in the brown parlour when Watson was examined on the Tuesday night. I found the shot just after the body of young Mr. Jermy was taken up. I can’t say to a moment at what time I got to the Hall; a little after nine. Inspector Amiss and Police Constable Morter were with me, and you, when I examined your room. I suppose it was rather more than five minutes from the time I got in to the time the closet door was unlocked. I went into the closet. There was no one else with me in the closet. I handed the things out of the closet to Thompson, and gave directions to Morter to search one part while I and Amiss searched the other part. I am not aware that I saw a carpet bag in the closet.

How long were you examining or searching the closet?—I should say I was half an hour.

## Evidence for Prosecution.

George Pont

You recollect—it is a most awful thing—speak the truth. I hope you will speak the truth, as you hope for peace hereafter?—I do speak the truth.

Upon your solemn oath, did not you see a carpet bag in the closet?—No, I did not.

Did you examine the large trunk in the closet?—I pulled it out into the room, and I stepped into the closet.

Who examined the trunk?—The policeman who was with me.

Who was that?—I believe it was Thompson, but I cannot say positively. I did not see anything that was taken out of that large trunk. I did not see any wig, or anything of the shape of any hair or wig taken out of that. You told me to be careful of the guns, as you said there were two guns there loaded and capped. I believe they were in the first things I took, unless it was the trunk. I handed them to Thompson. The short one first. I am not positive if I took the cap off the first, but am positive as to the second. I don't recollect your pointing out three keys.

On your solemn oath, as you wish to pass out alive, did not I show you the keys, and tell you which key you could unlock the carpet bag with?—No such thing. When you took your purse out of your pocket I saw the three keys there then. There were some newspapers in the room. There might be other papers. I did not examine them minutely, but only to see if there were any firearms there. I am not positive what description of papers they were. There were some tied up in bundles. I am not positive what you said, but I believe you said something about some papers you wished to be taken care of. I might promise to take care.

Don't you recollect locking the carpet bag, with a small lock, with one of the three keys, and putting the keys in your pocket again?—I do not.

When were you first applied to for those three keys?—I was first applied to for those keys while you were in the Bridewell on Thursday or Friday. I have never made use of them, nor have they been out of my possession. I don't know if I saw a carpet bag at Potash, nor a lock those keys would fit. I handed both guns to Thompson. Amiss, Morter, and, I believe, another police constable were present; I don't know if Rudrum was there. Myself and three more were all that had been upstairs at that time, and any time after. I had been in the room half an hour. At that time you were standing next the door, and I was standing in the closet. You then said, "It was eight o'clock, some of you say, when this took place." I think Morter was near the door on the same side as you. Morter said, "No one has mentioned the time but yourself," or words like these. There were two boxes of caps, and I believe one box was turned over. I recollect picking them up. I also recollect picking up some leaden bullets. One of the police, whose name I do not recollect, reached into the closet and picked up those bullets. He was a tall man, but his name I do not know. Another man was there, but his name I do not recollect.

# James B. Rush.

George Pont

I gave the fourteen keys to Futter, I believe, on the Thursday morning. Up to that time they had been in my possession. No one had been in the room, as I had the keys up to that time, and the room was locked. I gave the keys to Futter at the Bridewell. It was about eleven o'clock in the forenoon when I gave them up. I don't know that Mr. Cann was aware I had the keys, but I believe Colonel Oakes knew. I had never been applied to for the keys until Futter came for them. He said he wanted them, as he was going to Potash. I took Futter's word when he applied to me for the keys. I was not aware that any of the locks at Potash had been broken. It was about four o'clock on the Wednesday afternoon when I was at Potash, and I am not aware that any locks were broken then. I don't recollect any papers lying about in the parlour. You asked me to try and recollect if I did not hear one of the police say it was about eight o'clock when the Mr. Jermys were murdered. I said I had a distant recollection that it had been mentioned, but I was not positive. I am sure you——

Do you mean to say I did not ask you, "Who had mentioned it when I was taken into charge?"—No; you did not say that any one had mentioned it.

Did you not say it had been mentioned?—I said I had a distant impression.

No, no, let me have no impressions. Will you swear that you did not say that some one had mentioned the time——

Mr. Baron ROLFE—Take the answer of the witness. He says that what he stated was that he had a distant impression that the time was mentioned.

*Cross-examination continued*—You have said something about two powder flasks being found in my room?—Two flasks were found, but one was found in the closet.

Have you not sworn that two flasks were found in a drawer in my bedroom?—One was found in the closet.

My lord, I must have the depositions read; the witness has perjured himself.

Mr. Baron ROLFE—You can have the depositions read, but the effect of that will be, in all probability, that if you contradict him in one minute particular you will confirm him in a hundred others that are most important.

PRISONER—I cannot help that, my lord, I must have them read. [The depositions of the witness before the magistrates were then put in and read. In these he stated that he had found two powder flasks in a drawer in the prisoner's bedroom. In every other respect they confirmed the evidence which he had now given.]

*Cross-examination continued*—Will you swear that there were two flasks found in the drawer?—I believe I stated before the magistrates that two were found in the drawer. That is a mistake. Only one was found in the drawer, and the other in the closet. I have written down certain notes to assist my recollection. I wrote them a few days after the occurrence. I recollect Morter touched

## Evidence for Prosecution.

George Pont

you on the shoulder before I took you. It was the same instant. It might be a second or two before. He said, "You are my prisoner." You turned round to me. Your face was looking towards the fireplace, and you turned to the door. I did not see any other person touch you. I could not have my eyes in all directions. I have my notes with me. I say the pair of boots taken out of the kitchen, and given me by Savory, were wet. Not very wet. I believe one side of them was more wet than the other. There might have been a remark made about the boots in Savory's presence. I have heard what has been stated in the deposition about the boots being washed overnight. I went upstairs to take the Blucher boots about half an hour before we started for Wymondham. You had your slip-shoes on. You went upstairs for the purpose of getting a pair of boots. The boots were under the bed. I will swear I had not seen them examined. I recollect you took a pair of boots from under the bed. I had not heard any person remark about the boots at the time the room was searched. You did not put those boots on. I took them. You put a pair of light patent ones on.

Re-examined by Mr. Serjeant BYLES—I showed those two pairs of boots to Emily Sandford. Besides the two pairs of boots now produced there were two other pairs. The boots in the back kitchen were high boots. They were higher than Wellington boots. They were not taken from the house.

JOHN MORTER, examined—I belong to the Norwich police. On the night of the murder I was appointed, with others, to watch Potash farmhouse. About half-past six the next morning we saw a light moving in the house. I saw the prisoner pass the window with a candle in his hand. He unbolted the door, the kitchen door. I opened the door and took him into custody. I saw the handcuffs put upon him. Pont said the two Mr. Jermys had been shot, and that the prisoner was suspected of doing it. The prisoner replied, "Good God, I hope they don't suspect me." I went upstairs into the prisoner's bedroom, and also Amiss and Pont. I found a cloak on the bed of the prisoner. (Cloak produced.) The prisoner asked what time the murder took place, but I did not, nor did anybody, in my hearing, tell him. The prisoner, a short time afterwards, observed that he understood it was a little time after eight o'clock. I said, "From whom did you understand that, as you are the first person I have heard name any time in this house." The prisoner replied, "I heard one of the policemen state the time." I said nothing to that. In my presence nobody had stated the time. I believe the prisoner was not out of my presence from the time I took him into custody until the time he asked the question. He also said he should have been there<sup>8</sup> about that time had he not understood young Mr. Jermy had been at

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<sup>8</sup> At Stanfield Hall.

## James B. Rush.

John Morter

home, and, he added, that young man was a great enemy of his, but the old gentleman and himself had been better friends than they formerly had been.

Cross-examined by the PRISONER—I have seen Pont since he has been out of this Court, but nothing of consequence passed.

What did Pont say?—Why, Pont said to me, “I took the prisoner by the right shoulder.”

Have you made any memoranda about this murder? I mean made after the murder?—I made a few.

What did you say to me when you came in?—I took you by the right arm and said, “You are my prisoner.”

The right arm, I suppose you will say, now Pont has told you?—No, the left.

Oh, the left arm, eh?—Yes, the left.

When the time of the murder was spoken about where were you standing?—I stood near you, and you were standing with your back to the door of the passage, and Pont and Amiss were near the window.

Who were in the passage at this time?—I do not know.

Did not Pont tell you when you went out of Court?—I told you what Pont told me.

I don't believe you, sir?—I can't help it.

Did you search the bed?—I did.

See the boots?—I did.

Did you examine the bed yourself?—I looked under the mattress, which lay under the bed, and I found two daggers there.

Do you recollect what bedstead had a splined<sup>9</sup> bottom?—I do.

Do you recollect hearing an observation about the boots being seen through the splines?—No. I did not see the carpet bag unlocked. I don't recollect any remarks made by you when I apprehended you, except what I have mentioned. I don't know if the things that were taken out of the closet were set in your room. I kept the door. The conversation which I had with you might have been about half an hour after I came, and what you said about young Mr. Jermy was at the same time.

STEPHEN AMISS, examined—I am a police constable at Norwich. I was at the Potash farmhouse on the morning of the 29th of November, and remained outside till Pont and Morter went in. I followed Pont and assisted to handcuff Rush, after which all four of us went up to the bedroom. Prisoner asked at what time the affair happened. Morter did not answer anything. A few seconds after, prisoner said one of the police had told him a little after eight. I had not left the prisoner from the time I went in with Pont till that observation was made. The time had not been mentioned by any one. Prisoner said he would have gone to the Hall

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<sup>9</sup> A spline is a flexible strip of wood.

## Evidence for Prosecution.

Stephen Amiss

the last evening if young Mr. Jermy had not been at home, but, as he was, he would not go. I found a shot belt and a powder flask in a drawer in the bedroom, and a shot belt, powder flask, and dark lantern in the closet. The shot bag was in the room.

Cross-examined by the PRISONER—Morter and Rudrum went into the room. Pont and myself followed immediately. Pont said to you, "Consider yourself my prisoner." Outside the house I had stood by the door leading to Savory's bedroom. I saw a light pass the window. You unbarred the door. I could not see you till I went in with Pont. I saw Pont take a bunch of keys, three small keys, and a purse, from your pocket. You took a key and gave it to Pont as the key of the closet door. I did not see a carpet bag taken out of the closet. I had been in the room twenty minutes before I saw the carpet bag. The one I have now was empty. I saw a carpet bag taken from under the bed, which was full of papers. I did not find in it any firearms, which were the object of my search, and it was left under the bed. I don't remember seeing that bag unlocked. My impression is it was not locked. I assisted to examine the bag. I will not swear Pont did not assist. I didn't see your purse after I saw it in the kitchen. I do not recollect anything being said about the importance of the papers in the bag. Pont handed the guns to Thompson, and I lent him my knife to take the caps off the nipples. I saw a pair of boots with Spanish leather fronts taken from under the bed, which you put on before you went to breakfast. I don't remember seeing any others. I didn't see any others under the bed at that time. At the time the closet was searched you stood between the foot of the bed and the fireplace. You had been standing by the drawers. When the conversation took place with you, you stood by the side of the bed nearest the door. I have seen but not spoken to Pont since he came out of Court. I saw him, as I came from outside, go to the room where the witnesses are who have been examined. I have not heard anything from any of the witnesses. When you had the conversation, you asked the time when the murder was committed, first, and after that spoke of young Jermy as being your enemy.

THOMAS OSBORN, examined—I am a police constable. I went to Potash on the morning of the 29th of November. When the prisoner was taken into custody he said, "Good God, I hope they do not think it was me." Morter went in first, and took prisoner by the left arm, and I immediately took hold of his right arm. Pont came in next, when he said, "Good God, I hope they do not think it is me; it is a serious charge." I did not go upstairs with him. I was with him during the time he breakfasted in the parlour. Just before breakfast he said, "Which is the man that told me the time the affair happened?" I said not a word of that sort has been spoken. I took charge of Rush while he was at breakfast. There was a woman in the room, dressed as a widow, whom I now

## James B. Rush.

Thomas Osborn

know as Emily Sandford. Prisoner said to her, "I am accused of murdering Jermy and his son, but that fellow Clarke has done this—it is he that has caused me to be suspected, but you and Savory can clear me, for he (Savory) washed my boots at half-past five, and you know I did not go out again until after tea." After pausing a short time he said, "Have you been asked any questions?" The woman said, "Yes." Rush said, "It is unfair; they had no right to ask any questions." She said, "That stout man asked me if you went out last evening, and I said you went out at eight o'clock for about a quarter of an hour." He said, "I was not more than ten minutes, and you know I had my slip-shoes on." The woman said, "I don't know if you had or not, I didn't see you put your boots on." He said, "I have no doubt but that I shall be suspected, because we have lived on such bad terms, but latterly the old man and I have been more friendly—the young one was my greatest enemy." He again said he was sure some one had told him the time the affair happened. He several times asked if he could not have his cloak to put on, as he was cold.

Cross-examined by the PRISONER—Morter took hold of you by the left arm, and I by the right. Pont, Rudrum, and several other policemen came into the room. Melville was not one, but Minns was. Morter said you were his prisoner. I won't swear if Pont was in the room at that time. I should say he was not at that moment inside the door, but I saw him directly after. I heard one of them ask you to show them to your bedroom. Morter said, "You are my prisoner." Pont said, "You are accused of murdering Mr. Jermy and his son." You said, "Good God, I hope they don't think 'twas me; 'tis rather a serious offence." I heard all the conversation that took place, but if any one said anything else was said I could not deny it. I don't remember anything else being said when you were taken into custody, and don't believe there was. I don't know if Savory was there. There were seven policemen present; Pont, Morter, and Amiss went upstairs. I saw you go out of the kitchen to the passage to go upstairs, but I don't know where your bedroom is or where it is situated. I do not generally take notes of what passes, but upon this occasion I did make a note of what was said. The lady (Emily Sandford) went out once or twice, and she might not have heard this conversation take place. She heard part of it. She was in the room when you spoke about washing the boots and putting on the slip-shoes. She was also in the room when Mr. Clarke's and young Mr. Jermy's names were mentioned. I think she was not in the room when the time the murder happened was mentioned.

HENRY HUBBERSTY, examined—I am one of the superintendents of the county police. I was at the Potash farmhouse on Friday, the 1st of December, from twelve to four o'clock in the afternoon. I went through Rush's bedroom, where I found a box. It was in

## Evidence for Prosecution.

Henry Hubbersty

the closet. The door of the closet was shut, but not locked. Oakley was in the room when I went there. The box in the closet was shut, but not locked. There were several things in it, amongst others a widow's cap, some old loose papers, and some things which I produce, consisting of a wig, with a pair of whiskers attached, a woman's front and long hair attached, and a travelling cap. I was present when the prisoner put on the wig with the whiskers in the presence of Eliza Chastney at Stanfield. The prisoner put it on himself. He first asked me to put it on for him. He put it on in another room, and then went into Eliza Chastney's. This was the time he put the cloak on. It was the cloak that has been produced by Mr. Pinson.

Cross-examined by the PRISONER—I first went to Potash on Friday, 1st December. I had not been there before that time. I did not hear what evidence Watson gave on the night of the murder. I was at the Hall about three in the afternoon of Wednesday, the day after the murder. I came from London. I left the Hall when I took you to Wymondham. I saw Watson at the Hall, but I had no conversation with him about the man he saw in the passage. I saw Emily Sandford there between five and six o'clock. I did not say anything to her. About an hour after she complained of being cold, and I went and told Read to take her some tea. I had no further conversation with her. No one came into the room while I was there, and I saw no one else speak to her that day. It was about twelve o'clock when we got back to the Bridewell that day. I was at the Bridewell when Emily Sandford was examined on the Thursday. I don't know who drove her there. I heard part of the examination. Andrews and Witherford went into the parlour with me when we arrived at Potash on the Friday. Shortly after we arrived Mr. Waugh came. The first thing that passed was my asking her if she had spoken the truth the day before. She burst into tears and said, "No." I then sat down and wrote a statement received from her. That statement is in the possession, I believe, of Mr. Cann. I afterwards gave it to him. That paper was in the room the next evening during the examination, and I believe in the hands of Mr. Cann. She did not sign the statement. I left Potash about four o'clock, and the next place at which I saw Sandford was the King's Head, Wymondham. I afterwards saw her at the Bridewell, between six and seven in the same evening. I am not certain who drove her up, but I believe it was Savory. I should think she was two hours in the room at the examination. Mr. Cann examined her. Mr. John Cann was also present. I believe the elder Mr. Cann took down the depositions. Mr. Cann had the paper in his possession that I had written. There was considerably more written than I had taken in the morning. I don't think Miss Sandford signed the statement. I will not swear she did not. I was not in the room when she left. I heard her say something respecting the secret closet and papers. She was not sworn.

# James B. Rush.

Samuel Savory

SAMUEL SAVORY, examined by Mr. Serjeant BYLES—I am a labourer at Wymondham. I have known the prisoner twelve years. On the day of the murder I saw the prisoner between Mr. Colman's and the Wymondham lodge. He was on the road, and going towards Wymondham. I saw him about five o'clock, and it was getting dark.

WILLIAM BACON, examined—I am a sheriff's officer. I was in 1847 employed by the late Mr. Jermy to distrain, but can't find the papers. I remember distraining at Potash farm in October, 1847. I remember prisoner asking me what I was going to do. He told me he would be damned if he would not do for Mr. Jermy and Mr. Clarke the first opportunity.

Cross-examined by the PRISONER—How many days did I call on you before the 18th to tell you I had paid the money?—That was on the 16th. I went to Mr. Jermy, who said the money was not paid, and wished me to go and see Mr. Clarke. I was paid on the 18th. I mentioned your threat at Attleburgh, the morning after the murder. A man named King was present. I did not see King after your examination in the evening, and have not seen him since. I don't know who were the policemen that called with King at Norwich. They told me what had happened, and I told them what I have stated.

ROBERT MARTIN, examined by Mr. Serjeant BYLES—I am a bailiff, living in Norwich. In Michaelmas, 1848, I was employed to distrain on prisoner at Felmingham. It was on the 13th of October, 1848.

RICHARD READ, examined—I was lately living in London, in Thames Street. I was acquainted with John Larner. I received a letter from Rush about Larner's affairs. He was introduced to me by Jermy and Larner about March, 1848. There were some papers produced by prisoner relative to a claim upon the Stanfield Hall property. There were some papers of Larner's that I had about Stanfield property. Rush inquired of me if a solicitor had taken Larner's case in hand, and if it were going on. I accompanied the prisoner about that time to a Mr. Waugh, a solicitor in London. Some papers of Larner's, then in the hands of Mr. Waugh, were taken from him and put into the hands of a Mr. Wilson, another solicitor. That was about March. They were subsequently put into the hands of a third solicitor, named Flower, by direction, I believe, of Larner. Rush said he thought Flower was an honest lawyer, and would carry on the cause. I received the letter now shown to me, dated 2nd May, 1848, from Mr. Rush. It came by post, and is in Rush's hand. The letter was addressed to R. Read, Esq., Bell Yard, Thames Street—

Angel Inn,  
Islington, May 2nd, 1848.

Dear Sir,

I have not yet had any communication with Mr. Wilson. Since I saw

# Evidence for Prosecution.

Richard Read

you I received a letter from him, to say that he was unexpectedly called into the country, the day you should have met him at his office, and saying he expected to return on the Friday following, but did not fix any time for meeting, so, of course, I have not called since. I had, very unexpectedly, an old will of the late Rev. George Preston, sent me by to-day's post, and, although not the one made in 1819, I think the parties who have sent it will be disappointed when they find the use I shall make of it, which will be to have it published; and I am not at all aware how I am to act to do so. If Mr. Wilson intends to go on with Mr. Larner's business, no one could be so proper as he. Therefore, I will meet him at his office to-morrow, at 12 o'clock, to consult with him, and see what is best to be done, and if he thinks the will will be of any use in Mr. Larner's business.

I am, Dear Sir,

Yours respectfully,

JAMES B. RUSH.

I received also this letter, dated 2nd October, 1848—

Dear Sir,

I expect to be in town to-morrow instead of Wednesday, as I wrote to you; and as I have now got a lawyer who will do all in his power to have justice done to Mr. Jermy, I will at once let you and Mr. Jermy know how far I am disposed to assist him. You must, in order that I may do so, have Mr. Jermy up to town to-morrow (Tuesday evening). You, Mr. Larner, Mr. Larner's eldest son, and Mr. Jermy must meet me at my lodgings, No. 2 Mylne Street, and I will at once tell you my plan, and the only plan that will ever give him his estate. There is one point I must have observed, strictly to the letter, and that is, no one of us five but the lady who is going to find the money to carry my plan into execution is to know what we are after, till I think proper. It will in no way interfere with the course your lawyer has taken, but it will materially assist it. I will explain all when I see you to-morrow night. You must have Mr. Jermy up, as I shall want him down in Norfolk to take possession on Wednesday, and if you and Mr. Larner think it advisable, after hearing my plan, Mr. Larner must accompany me. You will be so good as to send into Mylne Street, Claremont Square, Pentonville, to say what time in the evening I may expect to see you; unless Mr. Larner's son should be at so great a distance that he cannot meet us. Trusting that God has hitherto ordered all for the best.

I am, faithfully yours,

J. B. RUSH.

I saw Rush at my place in Thames Street between one and two, and after that I went in the evening of the same 3rd October and called on the prisoner at No. 2 Mylne Street. There I met Thomas Jermy and John Larner, who came after I got there. Emily Sandford was there when I went in. She left the room, and afterwards was called out and went away. There was an agreement ready prepared on the table, and it was read over first by myself aloud. After that agreement was read Rush said that was his plan, and I afterwards signed it. The signature to the paper now shown me is mine. He (Rush) said that was his plan, and the only plan on which he would lend the claimant any assistance whatever. Thomas Jermy hesitated signing the paper till he had appealed to me. I told him I thought it was reasonable. He then signed it, and then Larner. I signed it after they had signed it. Emily Sandford was called in to witness the signing of the papers, but I do not remember if she signed it. Rush said that Emily Sandford would

# James B. Rush.

Richard Read

find any means they wanted. I don't remember what he called her. I recollect he said "that lady." She was present at the time that was said. He did not say anything more except about the Felmingham farm. He said he should require Jermy and Larner to go down the next day about the Felmingham property, and that he would defray all the expense in any suit that might occur in reference to the Felmingham property. He said that either one or both of the leases expired on the 11th October, and he would put the claimants in quiet possession. He spoke nothing about the late Mr. Jermy, of Stanfield Hall, except that he expected to be served by him with an ejectment on the 12th of October. Rush said he should want Thomas Jermy down into Norfolk, and would pay his expenses. Jermy refused to go without Larner. Rush was quite agreeable to allow Larner to go if he paid his expenses, and I agreed to pay Larner's expenses; we parted, and Jermy and Larner were to go the next day, the 4th.

Cross-examined by the PRISONER—The papers were taken from Mr. Wilson in consequence of his delay. I do not consider that Mr. Waugh was getting on slowly with the business. I had nothing to do with Mr. Waugh, and I believed it was by Larner's direction the papers were taken from him. The papers were taken to Mr. Wilson on my recommendation. It was in March when they were transferred, and I expressed myself dissatisfied with the slow manner in which the business was proceeded with. Mr. Wilson got on slowly with the business, and I recommended it should be taken to Mr. Flower. When we met at Mylne Street you told me that Mr. Jermy should bring an action of ejectment against the rightful owners, and you would defend the action and pay all expenses. It was Mr. Flower's advice that a bill should be filled, and you recommended that it should be brought to trial at Assize, and I thought this the best plan. Emily Sandford was in the next room when you told her to come in. I recollect that Thomas Jermy was very reluctant to sign the first agreement, and also the agreement relating to Felmingham. You told me that the rents mentioned were those which your father and yourself had paid for the farm to the late Mr. Preston. These were the only agreements mentioned.

THOMAS JERMY, examined by Mr. Serjeant BYLES—Can you write?—No, sir.

Mr. Serjeant BYLES—That is all I have to ask him.

PRISONER—I have nothing to ask him.

WILLIAM FREDERICK HOWE (*recalled*), cross-examined by the PRISONER—Now, Mr. Howe, are you sworn?

Mr. Baron ROLFE—He has been sworn before.

PRISONER—I should wish him to be sworn again.

Mr. Baron ROLFE—Swear him, then.

# Evidence for Prosecution.

William Frederick Howe

*Cross-examination continued*—Now, recollect, I have a family of nine children. Recollect you are on your oath, and the trial is one of life and death to me. My firm hope is in God, and as His eye is on you, as you wish to walk out of this Court in health, speak the truth. Where are you staying in Norwich?—At the Bell Inn.

How often have you had this business taken down in writing?—Never but once, and that was within the last fortnight.

Where was it done?—At my own house.

Who took it down?—Mr. Cann.

Have you ever written any letters on this business?—Yes, to Mr. Cann, and I have received letters in reply. Two I believe.

How much are you to have for your evidence?—I do not understand the question.

Have you told anybody, or have you had any conversation about coming down here?—Never in reference to money, but I have said to many people I was coming down here.

What money have you had?—I have had a sovereign to pay my fare by the railway.

When did you arrive?—On Monday night by the half-past two o'clock train.

Where were you residing when you saw Mr. Cann?—In No. 1 Marlborough Street, Greenwich, in the county of Kent.

How long have you lived there?—Several years—seven years.

Are you a married or a single man?—Not a married man, Mr. Rush. I am not one-and-twenty.

Can you give any references to your respectability?—Yes, I can, many. I am not bound to give any, but my uncle is chaplain to the Mercers' Company, and my father is mathematical master to the Clapham Grammar School.

Have you been tried in any Court?—Never.

Whose employment are you in now?—Not any employment—my last employment was with Mr. Reuben Simpson, 45 Bedford Row, London, solicitor. I managed his business for him.

Have you ever been accused of receiving money and not accounting for it?—No, never.

Never by any person?—Never.

Do you know anything about an indictment of an Elizabeth Kingate for perjury?—Yes.

Do you know Mr. Charles Mathews?<sup>1</sup>—Yes.

Have you not been charged by him with forging orders for admission to a theatre?—No; I will explain that. A friend of mine, a medical student, proposed to me that a Mr. Morgan should be sent to a theatre, to take some ladies there. I wrote the order for his admission to the Lyceum Theatre in sport, and the consequence was, he was detained by the door-keeper. Mr. Mathews was satisfied the whole affair came out of a joke, and so it was proved

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<sup>1</sup>Charles James Mathews, b. 1803, d. 1878, the famous light comedian. His "Life" was edited by Charles Dickens, 1879.

# James B. Rush.

William Frederick Howe

before Mr. Jardine, and an account was published in the public papers.

Why were you discharged by Mr. Simpson?—There was no discharge; we parted by mutual agreement. He had not sufficient business to employ me, and I had other business to attend to, and therefore we separated.

When did you leave Mr. Waugh?—In January or February, 1848.

Have you ever performed the part of a counsel at a judge and jury club in London?—No; I have occasionally attended such places, and I once put on a wig and gown.

Did you ever have any other name than Frederick William Howe?—No.

Do you know anything about a Mr. Abraham Leistrow?—I never went by that name. A friend of mine got me to print cards with this name upon them, but I never used them.

To whom did you write about your evidence?—To the Mayor of Norwich.

Did you state the evidence you had to offer?—I did in the letter. I also stated you had made use of threats to Mr. Jermy.

Have you ever said you would see my solicitor, and go to the party who would pay you best?—Never.

Were you ever indicted for perjury at the Old Bailey?—Never.

Do you recollect the day of the month when you saw me at Mr. Waugh's?—No; but it will be seen in the call-book, which is dated, and the name of the clerk who sees the client is put against the client's name.

What is the name of the fighting man you spoke of?—Samuel Simmonds.

What wine do you say I was drinking?—Claret.

Was anybody present when you say I used the conversation and threats to which you have sworn?—Yes, a few—a girl and Simmonds stood by the door.

What time of the day was it?—About two o'clock in the morning on the 13th December, 1847.

How long was I at this place?—I can't say how long you were there, but a very long time. I did not get there till after twelve on the 12th inst. I think you left about four in the morning, before I left. You left the room in company with some girl. Mr. Jessup, behind the bar, and Dean, the waiter, were present. You were sitting on a table; some were dancing, others promenading, and some were on a gallery. I don't remember any other person that I can identify as present. You were sitting on the edge of the table. I think it extremely probable that Simmonds must have heard the conversation, as he was standing next the door.

What did you leave Mr. Waugh for?—For breaking a window.

## Evidence for Prosecution.

Robert Leman, sen.

Was there any serious charge made against you then?—Not any.

ROBERT LEMAN, sen., examined by Mr. EVANS—I am a clerk in the Norwich Fire Office. I know the signature of the late Mr. Jermy, and believe the signature attached to a notice, directed to the assignees of James B. Rush, in May, 1848, calling on them to pay £5000 lent on the Potash farm, now produced, is in his handwriting.

JAMES CALVER, examined—I am a solicitor at Kenninghall. My father's name was Daniel Calver, and he was a solicitor at Kenninghall. I knew Mr. Margetson, solicitor, of Bungay. I believe the signatures now shown me to be those of my father and Mr. Margetson respectively.

Mr. Serjeant BYLES—I shall put in three leases from Isaac Jermy to J. B. Rush and others. One of lands at Felmingham, dated 16th March, 1839, at £120 a year to your father. One of a farmhouse from Isaac Jermy, dated 11th October, 1837, £150 to prisoner and his father; and a third lease, dated 11th October, 1845, at a corn rent.

FRANK AUSTIN, examined by Mr. Serjeant BYLES—I am an officer of the Court of Bankruptcy in London. I produce a fiat against prisoner, which was enrolled 8th May, 1848, the day on which it is dated. I once saw the late Mr. Jermy. He was examined on the fiat, but not in writing.

Cross-examined by the PRISONER—Where are the documents kept? Is there an affidavit my mother made—an affidavit sworn to be my mother's, sent up by Mr. Wilkinson, of North Walsham?—There is such a document; the mother made an affidavit of debt for £200.

Evidence for the prosecution closed.

PRISONER—I trust, my lord, you will not call on me at this late hour to commence my defence.

Mr. Baron ROLFE—Do you not think yourself able to do justice to it?

PRISONER—No, my lord, not at this late hour of the day.

Mr. Baron ROLFE—Then I certainly shall not call on you.

PRISONER—Several witnesses who I was informed would be examined I find have not been called. There is, for instance, Solomon Savory.

Mr. Serjeant BYLES—I do not propose to call him.

Mr. Baron ROLFE—The learned counsel in his opening referred to a pamphlet reflecting upon the late Mr. Jermy, but he has not read the whole of it.

## James B. Rush.

PRISONER—I have no wish, my lord, that he should do so, but I should like to have the opportunity of referring to it in my address.

Mr. Baron ROLFE—You can do so. Only part of the pamphlet has been read, but it ought to be considered that you are at liberty to refer to any part you think proper.

PRISONER—Notice has been given to the solicitor for the prosecution to produce a number of documents.

Mr. Baron ROLFE—That is the usual course, and, of course, if they have been put in, you can refer to them.

Mr. Serjeant BYLES—I do not propose to read them, but you can refer to them if you think proper.

PRISONER—My lord, I have given them notice to produce these documents, and I now ask you when is the proper time for me to call on them to do so?

Mr. Baron ROLFE—Whenever you give evidence respecting any document you can call upon them to produce it, and, if they cannot do so, you can then give secondary evidence of its contents.

PRISONER—I do not wish to occupy the time of the Court by having them read, if I am permitted to refer to them.

Mr. Serjeant BYLES—You can tell us to-morrow morning what you want, and then they can be produced.

PRISONER—Thank you.

Mr. Baron ROLFE—And, prisoner, I wish to inform you that all the witnesses will be allowed to remain in Court.

PRISONER—I thank you, my lord.

The Court adjourned.

## Fifth Day—Tuesday, 3rd April, 1849.

Prisoner asked if he might be allowed to ask a few questions of the witness Howe again. Mr. Baron Rolfe assented.

FREDERICK WILLIAM HOWE (*recalled*), further cross-examined by the PRISONER—In December last I went to the Wheat Sheaf. I met a Mr. Durrant there, but I don't recollect Hyde. I mentioned the Stanfield Hall murders there and to Durrant and others, and that I had written to the Mayor of Norwich about them. I said I knew Rush, that he was a jolly good fellow, and I had often had a spree with him. I did not say my object was to get money to see my friends in Norwich, £20 from one side and £10 from the other. I know nobody in Norwich.

### Prisoner's Defence.<sup>2</sup>

PRISONER—My lord and gentlemen of the jury, I am now about to place before you my defence on one of the most awful and important criminal charges ever brought against any person in this country, and, while I occupy myself in doing so, I most earnestly beg of you to assist me by your attention and support, and I trust you will find I have so prepared my defence in accordance with truthfulness that I shall satisfy you, and that God may so be my counsel as to lead me to convince you, gentlemen, of my perfect innocence of this horrid charge, a charge brought against me in the most unjust manner. And before I go further I wish to say I am quite aware of the consequence of admitting what I have done in the observations I made to the chief witness against me, and what was brought out in her cross-examination, as, indeed, not only in hers, but in those of other witnesses. I admit that I have done myself grievous injury by departing from the truth myself, and also I have done wrong in allowing her to depart from the truth in giving her evidence at first, and therefore I made up my mind to abide by the consequences of adhering to the truth in the time to come, and I wish her to do so. This was my especial desire in my cross-examination of that person. I tried to elicit the truth. . . .

He had been advised by his solicitor not to allow any one point but such as had been proved. As a knowledge of what had happened at Stanfield Hall, regarding that he had nothing to conceal, his only wish being that they should be made acquainted with all the circumstances; for of the crime itself he was free. On the

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<sup>2</sup> Perhaps the most remarkable speech made by an accused man on his trial. In parts it reads like a parody or the raving of a madman.

# James B. Rush.

## Prisoner

18th of February he had written a letter to his solicitor, acquainting him of what he knew of the circumstances, and that from the terms on which he had been living with Mr. Jermy for the last eighteen months he was sure the suspicion would fall on him. He had also told his solicitor the means he had taken to avoid suspicion. And here he meant to ask the indulgence of his lordship in the detail of all the circumstances, for the evidence had been so changed and altered that, though he wished to refer to it as he went onward, yet he could not do so readily. He wished also to state that he had not had proper facilities given him for the preparation of his defence. He explained that the regulations made by the magistrates, that no communication could be allowed between himself and his solicitor in the Castle without the governor being present, had prevented that free expression of his desire so material for the purposes of justice. He also stated that he had written to Sir George Grey<sup>3</sup> on the subject, and to obtain the necessary freedom of communication, but the only reply had been that the matter must remain in the hands of the magistrates. He also complained of the exclusion of himself in some instances and the reporters from the examination before the magistrates. He had also to complain that by the regulations to which he had alluded he had not been allowed to send a letter which he had written to a lawyer, and which contained the whole of the circumstances connected with the occurrences, and on which he based his defence. He would say at once, in reading that letter, that it had been written some time, and from it he proposed to read extracts, but it gave the history of the affair, and he should give the facts to the jury from it.

A person known to him by the name of Joe had told him before Friday, 24th February, 1846, that he, a lawyer, wished to go down to Potash and speak to him on the Friday night, about eight o'clock, as they had made up their minds to take possession of Stanfield Hall, as they had done a few years ago, with all the help they could muster, on either the Saturday or the Monday following, and the lawyer would like to hear once more what he (the prisoner) thought they ought to do. He told them what he thought then, as he always had done, and advised them not to come to the house, for if they were seen at Potash he should be sure to be suspected, in consequence of the unfriendly terms upon which he and Mr. Jermy had lived for the last eighteen months. Joe replied that they did not expect to be seen, and wished him to be out and speak with them on the road. He, however, refused to do so, but said if they would come into the garden in the front of the house he would speak to them, and he should see them go into the garden if they went about the time they talked of. He went out that night and had a look round by the plantation before they came, to see if there were any poachers stirring about, and he was

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<sup>3</sup> B. 1799, d. 1882. Appointed Home Secretary by Lord John Russell in 1846.

## Prisoner's Defence.

Prisoner

in the orchard when he saw them go into the garden. They went into the field where the stakes were and stood by one of the stakes. The lawyer then asked him what he thought of the undertaking, and he told him that he thought it a very dangerous thing, particularly if attempted with violence and without plenty of help, and even then he did not think they would succeed. The lawyer, however, differed with him, and they had made up their minds to meet there that night and see what could be done. He replied, "You will do something to be spoken of, and I think you will repent—take my word for it," the same as they did before when they were there and took possession. The lawyer replied that he did not see the least fear if they did not use violence, and he could depend on all those they now had with them, except one or two, who were completely ruined on the last occasion; and if the servants could be kept from making an alarm they should have everything their own way till the morning, when the others would be there early to assist them. He (the prisoner) added that it was near the time that they were to meet, and he might show them the way across the fields. Joe said there was no occasion for that, as he knew the way, having been across two or three times since Michaelmas. They then left him. This was the Friday before the murder.

They then went down the loke towards the Hall. I followed them at a distance and saw them go across the Potash lands to the Stanfield lands. I myself went as far as a fence to hear what they were doing, but I heard nothing more of them, although they remained for two hours, and it was nearly eleven o'clock when I got home. I heard nothing more of their proceedings till Joe came to me on the 28th November to ask whether I would allow the men off the farm to go with them, remarking that if they once got Jermy's people out they should have plenty of help, so that the men from Potash would not want to stop more than half an hour. I, however, refused to let my men go, and kept at home in order that they might not seduce my son to take part with them. Joe replied that if I would not let my men go they intended to do without them, either that evening or the next morning, and he explained that they had done nothing on the Friday previous because there were people about. He then talked about calling on me in the evening, but I said I would rather hear nothing about it, particularly as they had made up their minds to the attempt. I said I would hear how they got on in the morning, that that would be quite time enough, but I advised them, whatever they did, to wait till the morning. Joe left me, and I thought a great deal about it, and I had even a sort of presentiment that all would not turn out well, although I did not see the least fear of anything serious taking place. I had, however, a mind to hear if there was anything stirring, and I left Potash about eight o'clock, or a little after it, as I will yet prove in spite of Emily Sandford's evidence. I thought I would go as far as my lands went and

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see if I could hear anything of the party. I even had some thoughts of going to the Hall, but as I was walking along I altered my mind. When I got to the fence leading to the Hall I waited a few minutes, and then thought I would go back as I felt ill, but at that moment I distinctly heard the report of a gun or pistol in a direct line for the Hall. I then heard two more, and was struck with amazement, as the party had always said if they took firearms it would only be to intimidate, as they would not load them. I also heard the bell ring violently, and then hastened back to Potash as quick as I could, and went through the garden into the house. I do not intend to keep anything back, and I will say all I know.

The lawyer, as they called him—and he said himself that he was one—appeared to be well dressed, and in no way disguised. He did not think he was. He had seen Joe pass Potash. He had also seen him at Norwich several times. He had every appearance of being a porter, as he always had parcels with him in the street when he saw him. Then there was another man, a person they called Dick, whom he had seen with a basket of meat, and sometimes leading a horse. He thought him to be a helper in a stable. He had seen him once or twice. It was always by the back of the Swan, at Norwich, either going from the Swan to St. Giles', or from St. Giles' to the Swan, except once, when he saw Dick at a public-house. He never saw the lawyer but twice, and, as he told the jury, once he saw him at Potash, the other time he passed Potash farm and stopped and talked half an hour, and tried to persuade him to let him through the Potash farm to the Hall. He said that they were promised plenty of help then as well as for the next day if he (prisoner) would let them go. He then told them he was decidedly against that course. Owing to having requested Emily Sandford to state he was not out more than ten minutes, he felt he had brought suspicion on himself. He did not reflect as he ought to have done. They had not yet heard what he had said to her, but he hoped to show them all what he had told her. He told her the whole of it, and left it to her to speak the truth or not as she thought proper, but she had not done so. Her having been at the Hall the following day, and being persuaded that he was the murderer, had led to all the falsehoods she, as well as some other witnesses, had told.

He would now call attention to the observations made by the learned counsel in the opening of his case, and then proceeded to remark that, when he had done, God Almighty would make it clearly appear to them that, under all the circumstances of the case, the learned Serjeant, to use the mildest term, had been misled, and that for the sake of his dear little children the jury would see the case very different from what it had been represented. The learned Serjeant, in opening the case, pointed out what the principal witnesses would state, also several things which they intended to bring forward against him to prove the case. The first mentioned was the pocket-book, the history of which was one

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of the most gross injustice, it being kept from him. He then proceeded to notice the evidence of the witness Howe, which his lordship did not regard as of any consequence. But they would remember that the learned Serjeant said it was most important evidence, and that Howe could prove prisoner had used threats respecting Jermy. Notwithstanding what his lordship now said, he insisted that that evidence was intended to have been most important, but what did they hear of this man? In the first instance he wrote to the Mayor of Norwich, who sent a telegraphic message to him. What was the consequence? He never heard a word of this man till the learned Serjeant mentioned him, but God Almighty would protect him. He never had such a thought as Howe had uttered; but, not knowing Howe before, he could not get at who he was, though he was to prove such important things against him. The consequence was, since he had heard of this witness, he had received an immense quantity of letters. But his lordship did not think that evidence material, but it would have been most material evidence against him if that man had been an honest man. He had had letter upon letter, from names he had never heard of before, about that man. Then came the pamphlet and letters. Now, he had no hesitation in saying he should abide by those letters, and would show that between himself and Jermy there was no animosity. Then, with regard to the handwriting. Why had they not, as they had promised, called Glasspoole to prove it? Why, because Glasspoole, who had known him well, and was intimately acquainted with his handwriting, was too honest a man, and not like that frizzle-headed man who had sworn to it. Why, Glasspoole was shown those papers, but would not swear to them. The covers? Why was not Glasspoole brought forward? It was but seldom that White had been employed, but Glasspoole had lived in his house for years, knew his transactions, and seen him write hundreds of letters. Why was he not called? He knew the transactions. He was the auctioneer. He was the agent who went to Jermy. He knew that the things they battled for were money concerns, and that they never had any animosity. He would have shown all that. Then the learned Serjeant had mentioned some letters. He did not know when was the proper time for them to be brought forward, but he hoped every letter produced would be read. He called God to witness he was innocent, and he would defy the weight against him. And if he were a week about it, he would prove his innocence, if God Almighty gave him strength, and he hoped He would. God Almighty knew he had said he was innocent, and God Almighty knew he was innocent if it was the last word he had to say. He would also show Emily Sandford's true character before he had done, for all that had been said. A great deal had been said about and read from the Felmingham leases. He held in his hand a paper that he had applied for, a copy of notice of a valuer being applied to value

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the covenants, also many memoranda, if this were the proper time to remark on them.

Mr. Baron ROLFE—If you have remarks to make on them do it now.

PRISONER—Well, then, he had hardly had time to look at them. He had applied for them from time to time. They pretended that those leases expired last Michaelmas, and those farms were to be given up, and a great deal was made of that. Now, if his lordship would look at the lease he would find that valuers were to be appointed to value the covenants a certain time before Michaelmas. Though they gave notice for valuers to be appointed they did not appoint any, and was he to go out with his children without any remuneration? He would tell his lordship at once that he would have no call to give up possession till a valuation was made of the covenants.

The learned Serjeant had made a great deal of Emily Sandford and the boy Savory in the gig. On that he should have much to say, as it had been twisted and twisted about in a most curious way. He had never heard anything like the evidence of Cann and Emily Sandford. He had suspected what had been going forward, and he would show that in every respect his suspicions had been well founded. He could show it as sure as he stood there from their own witnesses.

Then the statement about his going out after dark. God Almighty knew, as His eye was upon him at that moment, that in this respect he was innocent. He hoped that he should satisfactorily explain why he went out upon these occasions. He had not the least doubt upon his own mind that when he did so he would prove most satisfactorily, not only by the witnesses that he should call, but by those that had been called, why he went out after dark. Then there was the charge that he had sent the servants out of the way. That was another thing which he had done. Because the servants had been out, he was to be declared guilty; but he would show them why they were out, although he had not the least control over their actions. He would prove why they went away, and that he had no more to do with it than they (the jury) had. Then there was the statement about his discharging the gun. Now, they must all be aware that this was very necessary sometimes. He would show them that he was in the habit of going out; that the game was preserved; and, although he was not in the habit of shooting, yet that he did occasionally shoot, and particularly at sparrows, of which there was a great number about his house. There was an important circumstance which then recurred to his mind, and that was that a witness had been kept back by the gentlemen who conducted the prosecution, although they had stated that it was their intention to call him. He (the witness) had been under examination twenty hours at least by the magistrates. He was an honest man, he could give most important evidence, and yet they dared not call him. After all their examinations, and

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after keeping him in prison, they dared not produce him; and why was this? Why, simply because they were afraid that he would state the truth. He (the prisoner), however, would call him, and as he was an honest man, which he trusted he would continue to be, he would lay his evidence before them, in order that they might hear what he had to say, and he felt assured he would state a great deal more than the prosecutors were aware of. There was also the anecdote about Bruce and the statement about his shedding tears. There never was such a gross piece of falsehood stated. He would show them that no such thing took place, and that the whole affair would appear in as different a light from that stated as possible. Then, again, about the putting down of the straw—what had they made of this? The fact was, that there were many little pigs sent backwards and forwards, and it was necessary, on account of the mud, to lay straw for them. They had heard that the muck was from 8 to 10 inches in thickness, and Futter, who was a respectable man, and one of the principal witnesses on the other side—the person to whom the keys were given—swore that there was no litter—that he could not see any straw or litter, although the mud was 8 or 10 inches deep. But this straw was laid as early as Michaelmas, to enable the pigs, as he had before said, to pass. Now, they had made a great fuss about the evidence given on the occasion of his being first taken to Stanfield Hall after the murder, and that evidence was most important to him. He had not the least idea that Mrs. Jermy would be there. Her arm was severely hurt, but he did not consider her to be in danger. Considering her, however, to be in pain, he put a very few questions to her, believing that he should have another opportunity of examining her. Notwithstanding all this, he had made no objection to the production of her evidence. And why had they not produced it? Because they dare not. His lordship had said to him, “Consult your solicitor before you call upon them to read the evidence of Mrs. Jermy.” He had done so, and his solicitor had said, “Do not call for it.” He should, however, call for it, and should place her depositions in the hands of the jury, because he considered it important to his case, and because he wished to place in the hands of the jury the whole facts of the case, notwithstanding all that his lordship might say against it. He would now ask his lordship when was the proper time for him to call their (the prosecution's) witnesses. Should he do so now, or should he comment upon all the evidence that had been produced first?

Mr. Baron ROLFE—What, do you mean by their witnesses?

PRISONER—I mean Savory and Blanchflower.

Mr. Baron ROLFE—You must conclude what you have to state with respect to the evidence first, and you can call them afterwards.

PRISONER—With respect to what the witnesses had said to support the charge that had been made, let them see if they had not

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only completely failed to make out the case, but, on the contrary, fully established his innocence. He contended that they had; and he should show them that they had before he had done. All that had been said by Watson about having met a man with a pistol or pistols in his hands amounted to little. He said that he got to the staircase, and that he saw the man fire a pistol. He trusted they would recollect that he had taken this evidence, and had compared it with what Watson had stated upon a former occasion. In order that the two statements might be compared with one another, and that they might see the difference, he had requested the depositions to be put in, and he trusted that they would bear in mind the two statements. Let them see what he stated in his depositions. When before the magistrates Watson was unable to identify the man he saw; but the day after he stated another matter. He then said that the murderer was a low man and stout—that he could not see his face as he was disguised with what appeared to be a mask—that he had a dark-coloured cloak on, and that he went towards the staircase. He afterwards said that when he saw the man in the mask it was his opinion that he had seen him before, and that he thought that he was Rush. In his cross-examination he said he was a stout, short man, and that he had two pistols in his hands, and he had a cloak on. This was the substance of what Watson said in his first examination. Now, it was a most important circumstance, and one which he wished them particularly to bear in mind, that the latter statement appeared to have been forced out of this poor fellow. His belief was that the man was honest, and that the differences observed in his statements had been occasioned by certain parties who had intimidated him. They had heard what he had stated before the magistrates, and he would now read to them what he had stated when before the coroner. He then stated that he was in the butler's pantry at the time, and that immediately on hearing the discharge he went out, and at the corner of the passage, 4 or 5 feet from the pantry, he saw a man approaching through the passage. He was about turning the corner, and immediately after he saw him do so. Now, if they compared the two statements as deposed to by this witness, they would see that this man's evidence could not be depended upon. First he said he went to the corner of the passage, and saw a man coming up with a mask on his face, and he described the man as having a cloak on, and that he put his arm out as he was passing him. Before the coroner he omitted all this, and merely says, immediately on hearing the discharge he went out of the pantry. They would recollect that he had questioned the witness when examined before them, when he fully bore out the last statement, namely, that as soon as he got out of the pantry he saw the man turning the corner, walking fast. Let them bear in mind his answers to the question he had put to him, as to what he was doing. He said he went out directly when he heard the report, and they would recollect what he had stated as

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to what the man had in his hand, the time that intervened between the firing of the shots, and then call to mind what Read had stated, and he thought they would agree that it was clear there were two people in the Hall at the time. It was evident that this was so, and that was the reason why so much fuss had been made about Harvey, who would never have been called but for this. This was evident from the statements of the two witnesses he had referred to, and what had been stated about the banging of the Hall door was the report of the pistol or gun of the second man. The jury must be aware that it was with difficulty he could get this case up properly, and, had he been able to arrange the evidence as he would have wished to lay it before them, he should have done so before he came into Court. A great deal of the evidence that had been given was previously unknown to him. Everything showed that the case had been got up before Watson went to give evidence at the inquest, and this he contended was the reason why he was stopped. In one deposition he said that the man had a dark cloak, with a cape to it. In his first deposition he said nothing about that. The fact was the police found the cloak at Potash, and so they must make use of it. He said he did not speak to the man, but he believed that he must have seen him. Now, let them bear this in mind, and compare it with his statement when before the coroner. But the fact was the parties who had got up this prosecution had stopped the man. They found that he was going on too fast, and then came out this evidence about the cloak and the lamp, which he had never mentioned before. He stated before the coroner that the man was like Rush, short and stout, and walked quickly. Now, if they would look at the plan, and bear in mind the position of the pantry door, and what Watson said about the man pushing past him, they must be convinced that he had stated what was not correct, because he could not do it; and, when he made such a statement, it clearly showed that the men who had examined him had tampered with him as they had done with Emily Sandford. Had they not done so this witness would have given his evidence before the coroner the same as he had done upon other occasions. They had not, however, given the deposition that the man made before the magistrates, because they knew it would not answer their purpose, and they also knew that, if the man made the same statement that he had then done, it would not be of any use. He had a few remarks to offer with respect to the statement of Blanchflower. She was a most important witness in the case, and yet she had not been called. He said openly and plainly before his lordship that, if the evidence of this person had been taken, it would have given a different colour to this inquiry. He did not care what his lordship might say, and he must remark that that evidence was most important to him, and if he was to have justice done him this witness ought to have been called.

Mr. Baron ROLFE—What evidence do you allude to?

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PRISONER—To that of Blanchflower. It is most important to me, and she ought, therefore, to have been called. He now came to Margaret Read, and he must observe that this was a most extraordinary witness. He contended that never had a woman given evidence with a worse motive and a more hostile spirit than she had done. What she had stated before the magistrates was that Eliza Chastney had left the servants' hall before she rushed out. When she got to the staircase hall she saw little Miss Jermy, a child thirteen years of age, rush out of the parlour. Why had not this girl been called? She would have spoken the truth. The reason was evident. It was in accordance with the whole proceedings in this case. He contended that never had there been a more gross instance of malignity and vindictiveness manifested than had been exhibited in this case, let the learned counsel say what they please. He called upon the jury to bear in mind that the men employed against him were distinguished for great eloquence and talents, and that they had every facility for getting up this prosecution afforded them; whilst he had been refused those documents and papers so necessary to his cause, and had to meet evidence with the nature of which he was wholly unacquainted. Read said the man she saw was armed, was stout, and walked fast and looked like Rush. "He was coming towards the servants' hall, that there was not light enough for her to see him, that there was only a small lamp in the passage and she could not see his features. He carried a short gun or pistol. She had seen the cloak (now produced) upon Rush, and it did not appear so long then as now." He hoped the jury, after what he had said, would consider and ask themselves whether they would stake the weight of a feather against him. Would the witness have spoken about his dress had not Watson spoken about it? His opinion was certainly this, that she never saw any person in the passage at all, and that what she had stated was, therefore, a base falsehood, which he should doubtless be able to show. Look at the evidence Watson had given upon meeting the man in the passage. Could that be believed, though it was attempted to be supported by the evidence of Blanchflower? He contended that a person could not tell who the man was, if he was seen at all. What next? There was the cloak. Let the jury place themselves in the position of Watson, and then say whether it was likely he could speak with any degree of certainty about the cloak, or anything else. It was also extraordinary that a woman should stand at the Bridewell and see a cloak put on, and swear to its identity in the way she did.

Mr. Baron ROLFE—I suppose the meaning you wish to convey to the jury is that no evidence exists to show the man came out at all.

PRISONER—Just so. A cloak was put on when he (the prisoner) was examined. That garment came down to his knees, and yet, to make the look of this cloak tally with the cloak it was said the man wore, it was stated that holding up the cloak by his hands in

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the passage would give the idea of his wearing a short cloak, though the cloak was long. Now, he would produce the garment he had on, and the jury would see how strong the discrepancy was, and prove that Emily Sandford must have told Mr. Cann something, and so the evidence became concocted. He would also prove, through the mouths of witnesses, that he had no malice against the late Mr. Jermy, nor had he intended to injure Mr. Jermy when he put on the dress and went out, nor had he had it on for the purpose of disguising himself. Mr. Jermy held documents which were highly important, and he (prisoner) also held documents which he should say placed Mr. Jermy in his power. He could show also that, so far from injuring or wishing to take legal proceedings against Mr. Jermy, he had only resorted to them at the last. Then, to return to the passage, why did the prosecution not call Miss Jermy, for she was evidently the last person who ran upstairs? Yet they had not called her. Why was that? Was she too young? Solomon Savory was young enough, and he had been brought before the magistrates. They placed this boy in gaol, yet they would not bring him to the trial. If they had, and Solomon Savory had been kept honest, what evidence would he have given? Why, clearly that which would have shown his (prisoner's) innocence about the boots. The prisoner next referred to the plans of Stanfield Hall, and attempted to prove that the drains were too deep, and the banks too unsafe for a person to travel in a dark night from Potash to Stanfield.

Then, again, about Holmes. It was a most important thing the time she was gone out. It was clearly shown that they had twisted her. The time was later. He would prove it. It was clear they had done all they could to twist the time. Then let them bear in mind the time that she came back, and the picking up of the papers. This witness stated that the paper she had picked up lay past Chastney's feet—the end of her feet. He had no doubt that that paper was the one that Watson had picked up and thrown down. There was a mystery about that. Futter was the man that talked about that paper the first night. He was very sorry that in reading over the evidence, which was given very correctly, he had not thought of it. He was certain that it came out in evidence at first that one of the papers was found in the side passage.

Then he wanted to make out what the witnesses heard about people walking past the window. Let them recollect that and bear that in mind. It showed a sad state of feeling. Some few weeks before the murder they heard noises outside the house about eight o'clock, like a person walking about past the kitchen window. What could that have to do with the case? Did they think any person would go past those windows, where the servants could hear him, who intended to do a deed like that? Of what benefit could it be? And yet they said they heard that three or four times, and went out once to see if there was any person, but could not see any one.

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Then there was another extraordinary thing. Five or six days before the murder, about eight o'clock, one of the witnesses said, "I and Clarke saw something like a light across the lawn going towards Wymondham lodge, 300 yards from the house. That witness also spoke of having seen, a week before that, a light go across the lawn. Why was that said? Why, because he had a dark lantern, and they wished to bring that forward. Was it likely that a man contemplating such a deed would go with a light? They would know as men of business that a man going after what was wrong would not want a light, but one who was looking after his property would. It was well known that he had had that dark lantern for four or five years.

Now, what had been said about Emily Sandford? He hoped God would make it appear to them how things had worked. No man had ever loved a woman more firmly than he had done her. But there was every excuse for her, in the situation she was in. He had a copy of old Cann's answer to him about Emily Sandford which they had not heard. They had heard what Serjeant Byles had said about intercepting his letter to Sandford. There was no interception. He wrote it, but Postle would not let it be sent. He knew how they had been working, and they must judge what were his feelings after hearing that evidence. There never had been such a horrible thing on earth as had been said about Emily Sandford. There was a long mystery there—God Almighty would make it clear one day. One witness stated that he saw Sandford the day after the murder, in the pantry at the Hall. "I saw her first in the servants' room, and afterwards saw her go into the housekeeper's room to be examined about three in the afternoon." She was shut up in the room from three, but he would show that she was there from twelve. Pont had made an excuse about the time that Watson's evidence was given. He (prisoner) was there at twelve, and Emily Sandford was there a very little while after, and he believed she was examined over and over again on that day, between the hours of twelve at noon and twelve at night; and there was evidence that she was examined about three p.m., and was in the cook's pantry afterwards.

The next witness that had been called was Mr. Clarke, and when he retired he understood that he would be called again, because it was of the utmost importance that he should have cross-examined him.

The CLERK OF THE ARRAIGNS—You were asked if you intended to cross-examine him, and, as you did not do so, the witness retired.

PRISONER—I most solemnly assert that I never received the slightest intimation that the examination was concluded before the witness retired.

Mr. Baron ROLFE—He was not a witness for the prosecution. He was only called to produce a document.

[It was then arranged that Mr. Clarke should be called again.]

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PRISONER—Futter, the policeman, was next examined, and he stated that the clock at Potash was a quarter of an hour faster than that at Stanfield Hall. He spoke as to the time. This was the man who spoke about the litter, and he would show them what he said about this straw and also about the tree at the end of the Fifteen-Acres field. He should show them that this tree, which he said was the trunk of a tree, was merely a piece of wood about 7 inches in width—that it was a very difficult matter to cross by it in the daytime, but that it was impossible to do so in wet weather or during the nighttime. They had heard what the other witnesses had said. Mr. Drane, who was an honest witness, and well known to them all, could have proved how difficult it was to cross by this tree. Let them consider for a moment the absurdity of this fellow terming it the trunk of a tree. Then with respect to this straw, he should show that it was laid in this place for the young pigs to lie down amongst when they had fed in the bean field adjoining, and to keep them out of the turnip field which was next to them. Then came Standley, who had stated that Watson had given him the cover of a bookback, which he had picked up in the hall, and which he said he had found a little after nine o'clock. Now, in calling their attention to this evidence, he would wish them particularly to bear in mind what Holmes had said. Standley, when he spoke of time, ought to be considered as the witness of truth. Other things might have been stated in the case which were not correct, but with respect to the time, he thought Standley could have no motive for stating that which was not true. Standley first discovered Eliza Chastney, and dragged her to the bottom of the stairs, and if they compared his evidence with that of the other witnesses, it would show that this occurrence did not take place until nine o'clock. Pont was the next witness examined, and he would give them a specimen of the sort of evidence he offered, and he wished them to recollect that the remarks he made respecting Pont would also apply to Amiss and Morter. The barefacedness of Pont was most infamous. When three or four persons came to speak to one particular fact, they could not well be mistaken, but when they had to manufacture the whole account, there would be great discrepancies, and this was the case in the instance before them. He said that he and Morter entered the house, and he heard Morter say, "You are my prisoner." Pont then said that he handcuffed him, and that he (prisoner) remarked he did not like the handcuffs. That he then went into the room along with Morter and Amiss and searched it, and found two double-barrelled guns, the caps of which Thompson took off. Then there was the statement with respect to the remark he was said to have made as to the time at which the murder was said to have taken place. Now, if he (prisoner) had made any remark like that attributed to him, Emily Sandford must have heard it, as must also Thompson, both of whom were in the room; but yet neither of them ever heard a word of the kind. They had evidently taken the words down, and yet

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they differed in the most material point. He asserted in the most solemn manner that he went up to the window of the room which was situated between two doors, and that he never left that position during the whole time they were in the room. It was natural that he should do so, because his papers were in that part of the room, and he wished to see what was done with them. Not one of these policemen agreed with the other in their evidence respecting what took place in the room. One said that he stood near the window, another near the door. Ammiss was called with a view to show that the police passed from one room to another, and that the observation respecting the time of the murder was made while Miss Sandford and Thompson were out of the room, but there was no evidence whatever to show this. If a man told a falsehood when speaking of one thing, they might depend he would do so of another. Then they came to the finding of the boots, and the state they were said to be found in—the boot story, so it may be called. Then nothing was said before the coroner but that the boots were dry. But they really were wet. First one thing was said, and then another thing totally different and irreconcilable, and all this was done for the purpose of doing mischief and nothing else. All was of a piece. The poor fellow, Savory—why, they brought up that boy not less than twenty times, and kept him at Bridewell. He would ask why did they not bring forward Witherford. As to the door being done up, he never knew it was so. Nor did he know that the boots were washed. He would, for the purpose of showing how decidedly the case had been got up to his prejudice, produce the very boots he had worn on that night, because they, of course, knew he was out, though not present at the murder. There was no mystery about the boots whatever. There was game on the farm, and he suspected the persons on the farm of not behaving honestly about the game. Game had been on the farm, and was on the farm, and he was anxious to know if it was taken away. The game was fed. Sandford knew it, but she had been so tampered with, poor thing, that she did not know what she said. He would prove before he had done the conversation that took place between him and Sandford, and he would acknowledge that he did shed a tear, but it was from a good feeling, and not from the motives that had been attributed to him. Pont wanted to show that another pair of boots were found of a suspicious character. This was in the bedroom, or, rather, the boots were found there; but could they have been concealed when the bedstead was splined at the bottom, and everything under the bed could be seen through the splines? Pont said the boots were dirty, when the fact was the boots had not gone out of the house for three or four days. As much discrepancy existed about uncapping the guns—one swore one uncapped the guns, and another swore he did. This was between Pont and Thompson. Not really that this mattered, but he spoke of these trifles to show how the case had been concocted. Suppose reporters had been admitted on all the occasions of

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examinations, would not the prevarication and contradiction of witnesses have been proved—the evidence of Thompson, for instance? Thompson, or the other policeman with him, swore the doors of the closet were locked and broken open; was it so? No; it was contradicted. No notice was taken of any of the contradictions, but when anything was said against him, although it happened to be a deathless lie, the prosecution did not care—it was put against him. Mr. Stubbs had been brought forward to show a bad feeling on his part. Had he done so? Then with respect to the handwriting, why did they not call the witness Glasspoole, for he was the best for that purpose? As related to any bad feeling existing between himself and the late Mr. Jermy, he had expressed more of what he felt on that point to Mr. Jermy himself than to any other person; and, as respected the publication of pamphlets, the very first he had printed he had given to Mr. Jermy with his own hand. The prisoner then referred to the evidence of Mr. Drane, surveyor, who also, he said, proved that no person could get over such drains as were upon the farm, nor could they take in the nighttime the course laid down by the prosecution as the road traversed by a person coming from Stanfield Hall to Potash. That was the most barefaced lie ever told.

[After a series of rambling remarks, difficult to follow, which apparently were intended to prove that several of the witnesses had more or less been “got at,” the prisoner continued:—]

Mr. Cann said that he (prisoner) had used violence; was not the conduct of the magistrates enough to cause him to be violent? When he was about to ask Miss Sandford as to the manner in which they had taken her evidence, and she was going to answer, one of them turned round to her. Was not that enough to cause him to be violent? He knew what they were driving at, and they expected she was going to state that which would be disagreeable, when she was interrupted. Supposing that she was about to state that which was wrong, was it right in any one to stop her? What was the consequence? Mrs. Bryant came into the room and went up to Miss Sandford. How was he to know what she was doing, or that she was not telling her something to his disadvantage? Was not that sufficient to cause him to be violent? He was compelled before he could make her give over to thump violently on the table. Bryant stated that she was giving Miss Sandford some water, and he did not say that she was not, but she might have taken another time to have done so.

Mr. Cann denied that he was his solicitor, and this he begged to say was equally false with his other statements. He did not require a solicitor to act as his counsel, but he wanted one to advise him. The answers given by Emily Stanford in his favour were stopped by the magistrates; when he wanted the documents necessary for his defence they were stopped; when he applied for a copy of the depositions they were stopped, and after this he felt assured that the magistrates would go to any

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lengths in order to procure a conviction. Mr. Cann said that he had heard on the 5th of January that he (prisoner) wanted him to act as his solicitor, but the request was made to him on the 4th of December. He commented upon the conduct of Mr. Cann having upon this occasion declined to act for him, he having been frequently employed to transact the legal business of both his mother and himself. He next came to the statement of the servants. They had said that they had frequently seen him, and that they knew him perfectly. They had heard what they had stated about his being at the Hall on the 22nd November, but with all this talking he questioned if any one of them had ever seen him above four or five times. He first ascertained if Mr. Jermy was at home from Watson, and, if so, he went in at the front door, as Mr. Jermy preferred he should do so. They had heard what had been stated about these papers being signed on the 22nd, but, if he was at the Hall on that day as was sworn, how could he have signed these papers in London? He would prove that Miss Sandford was wrong—that these papers were what they purported to be—that the copy was prepared by Mr. Jermy, and signed by him. He would show them that he could not have forged Mr. Jermy's name, and that he never saw these papers after leaving them with Mr. Jermy until he saw them at the Castle when he was examined. You may look at me (addressing Mr. Cann), but I can always look you in the face, thank God. He called upon them to compare the evidence of Mr. Cann with respect to the finding of the papers with that given by Hubbersty, who was evidently an honest man, and he would leave them to decide who spoke the truth.

It had been said that there were two books found in the closet, or, rather, under the floor of the closet. They were only marble-covered books, and they might have been copybooks. Why should the attempt be made to prove by those books that the book covers, if they were book covers, found in the hall with writing upon them, had ever belonged to him? That was too bad, but it was too much like the case to wonder at it. It was attempted to be proved that the book covers found in the cupboard or closet were concealed.

Mr. Baron ROLFE—No. It was never attempted to be shown they were concealed.

PRISONER—He was glad to hear that, for then the case was not so unfairly got up as in other parts. He would proceed in his examination of the evidence of Emily Sandford. Let them mark well what was said on Watson's and Emily Sandford's evidence. Watson said he must have seen Cann in the pantry that day. Then would they believe the cloaks had not been shown to Watson, when he knew they were there? No, but they would not admit it, because they did not like it should be said the cloaks were seen first, and the evidence framed in accordance therewith. What else could it be for? Then came Hubbersty—Hubbersty, Cann, and Co.—who stated he had seen a black wig parted in the front at the inquest. That witness could not say if the man had a cap or a hat on, but

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he had something on his head. Possibly that man might have heard Chastney's evidence, and hers was the most extraordinary evidence ever given. He would make that appear when he came to it. One witness that he would produce would astonish them with respect to the wig. They had heard plainly that everything was taken out of the box where the wig was, and the wig was handed about and left out. It was well known that three years ago he lost his hair very much and got a wig made in Norwich, which would not fit. He returned it, and stood an action for it in the County Court. He then put the wig on, and the judge of the County Court said at once that no one could ever think of making him pay for a thing like that. He then had a wig made in London, but subsequently his hair grew again, and he never wore a wig like that twenty times in his life. He never made it a secret that he had had the wigs. Then he would call attention to what all the witnesses said about Miss Sandford. No one would believe how she had been treated. Hubbersty stated that he did not see Emily Sandford that night, and did not remember speaking to her or any one else. Then they would find that the only thing Holmes admitted she heard was that some one ran after Miss Jermy. Then what did Watson say? Why, that five or six weeks before the murder Jermy said he would not see Mr. Rush. He (prisoner) had not had an opportunity of going there. Then as for those witnesses to speak of his carrying his head on one side, and knowing his figure; why, some of those persons never saw him half a dozen times in their lives. Then Watson said he had never heard of his being turned out of the farm. Could they believe he would not know of what was done in a farm close by?

Then came what Eliza Chastney said about having a gun, and here he would have them bear in mind that what she said was made to correspond with Watson's evidence. Then there were six who heard a report, none of whom heard any till they heard the pistol. They all said they were talking loud, and one went 45 yards, and the other girl, Harvey, 145 yards. The evidence would prove that Watson was wrong, and that, instead of 45 yards, it was 200 and odd. Had there been a second report they must have heard it. Why did Harvey mention only one report? Because, had they gone 150 yards, that would have been about the time of the second, for there were only two single reports. There was not a question but the evidence had been manufactured entirely to blind people. What wind could force to the door of such an entrance? The reports must have been those of firearms. Now, let them bear Chastney's evidence in mind. She said she saw a man apparently coming from the dining-room, who appeared to have a gun or pistol, and it seemed to be done in a minute. If it were the case that directly the man saw her he levelled his gun or pistol at her, then how could she have given the description, and all the evidence she had given—and that moment he fired again and tore her mistress's arm—and then remembered no more till,

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as she said, she was at the foot of the staircase? Let them bear that in mind. She had said, and it was to be brought against him, that directly after the shot was fired she saw Watson coming from the pantry. That corroborated Watson's meeting Miss Jermy, and they would find that was used to show that the man must have come out that way, and that Chastney said she saw Watson coming from the dining-room.

Eliza Chastney's evidence had been thought of great importance, and he trusted they would excuse him for reading what she had stated in her first examination, and comparing it with what she had said in that Court. She stated in her depositions, "I think the man looked like Rush, by his stoutness and height. I could not see his features. I could not see whether he had a hat or cap on. I could not distinctly see whether the man had a hat or cap on." In her second examination she stated distinctly that the man had a hat or cap on. She was then asked to describe the man, but what was the use of her doing so if she could not say whether he had a hat or cap on? In her second examination, however, she said the man had neither a hat nor cap on—that the form of his head was flat on the top, and bushy, apparently set out. Now, did they ever before hear of a person talking about a man's head being bushy, and his head flat, under such circumstances? Was it probable that she would be able to notice a person's appearance when a pistol was pointed at her, and when two individuals had already been shot? He would leave them to judge as to the weight to be attached to such evidence. When she came to be examined in Court, all doubt that had before existed seemed to have vanished, and she said it was the prisoner whom she had seen several times at the Hall. He defied any one, after having seen young Mr. Jermy lying dead, and her mistress shot, to have taken such notice of a person as would enable her to identify the murderer, especially as the party was disguised. And he trusted they would consider this fact and the various other facts, in spite of what his lordship might say to them. In an important question like the present, when the life of a man with a large family was at stake, it was their duty to give due consideration to matters of this kind; and if they would not give way to the address of the learned counsel, he had no doubt he should be able to satisfy their minds of his innocence.

Alluding to the production of the wig and the disguise, why were they not produced before the Friday? With reference to the words, "knew no man of similar appearance," what was there different between him and other men? Was he so very odd-looking? She also said that she saw him level the gun at her. How could she be looking at the gun and taking notice of him at the same time?

Prisoner went on to say that it appeared from the wording of the depositions that Read and the girl Blanchflower both stood in the same place. How could that be? If even it was so, they

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must have seen the man return. He did not desire that any one of the jury should think for a moment of what they had read in the papers, but judge for themselves. As regarded Read's evidence, it was evidently concocted. She said sufficient time intervened between the moment the man was seen first and when he went out of the door. But it was all concocted. Mr. Press (the coroner) said he (the prisoner) ought to have been present at all the examinations before him. A truer word was never spoken. He ought to have been present, and it did Mr. Press great honour that he should have made such an acknowledgment. Read says also she knew of nothing about pamphlets, or of his having been turned out of a farm. Why, was it not a matter of notoriety? Did not his law-doings with Mr. Jermy appear in the papers? Yet this witness had never heard of it! Then Mr. Tunaley, the surgeon, spoke of irregular shot being found in one of the bodies, and he coupled this with the shot found at Potash. Why, all shot is irregular when it comes in sufficient contact with a body. He could continue to show how this case has been kept up. There was Howe, that pretty fellow of whom the jury had heard so much. Howe had stated he (prisoner) was at a certain place on a certain night. Now, he had been in the habit of entering, day after day, where he had gone in his pocket-book, and he had no hesitation in saying that the entry made in his pocket-book of the day in question had been rubbed out for the purpose of the case. It had also been said he had gone to a ball. It was no such thing. He knew nothing about the ball, nor where it was held. He was willing to say that the evidence of Emily Sandford was the only evidence really against him. But he could not refer to her evidence readily, for it had been so changed that he knew not where to look for it. She said he had come into the house about tea-time. That was true. Then about the bedroom. He knew what took place there. The questions he had made to her were denied. Therefore he had no help for it, but he should be obliged to show all her evidence was false. She said at the time he had mentioned a few words about his mother, that she heard no more. Could they believe this? Likely the conversation relative to his mother led to those observations which she denied took place. She remembered copying a letter of his, and said that while she lived in Mylne Street he carried her a great deal of game. She had also said that, while conversing about Bruce, she believed more was meant than merely about the poachers. Now, that clearly showed they had given her every reason to think he was treating her in the most unhandsome manner possible. Why should they have wanted to state that? He had not the least idea of such a thing. Then, again, witness said that Postle was in Bridewell a week ago with Mrs. Bryant, and told witness to keep up her spirits and go through with it. Now, if there were nothing but the truth to be stated, what was there to go through with? [Here prisoner

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occupied several minutes in turning over his copies of depositions.] Emily Sandford had written many letters from his copy. Now, these were letters of importance to him, not as affecting money matters, but as showing the sort of feeling that prevailed between him and Mr. Jermy; and, although they were opposed to each other as far as the law was concerned, Mr. Jermy had expressed the same feelings to him as he had done towards Jermy. Then came the copy of the Rev. George Preston's will, and he wished the envelope to be produced. Then Emily Sandford said, "I have seen the papers belonging to the Stanfield Hall estate; there were a great many of them, and that, since prisoner had left, his son and Colonel Oakes had been there. He mentioned that to show how those papers were thrown about, and they would bear in mind how they were used, as that was important as showing what length they had carried things to. He could not stand to tell them what he did if it was not true. He hoped never to go out of that Court alive if he did not state the truth with regard to the papers. Why was there all that mystery? There were many papers of great importance, and, if they were lost, the blame would be thrown upon others, while it would be theirs and no one else's. Now, they had heard what Sandford had said about three o'clock—that showed she did not want to make it appear she was longer at the Hall than she could help; and, as it was proved that she was there at twelve at night, she cut off three hours for the forenoon. Here it came out that she came two or three hours after he left Potash. That was nine o'clock. She recollected his being there, and that showed that they came to her. When she was cross-examined she forgot what she had said about three o'clock. She then said some one drove her, and then, recollecting herself, she spoke of three o'clock. The evidence about the candle light was not material, but it showed how she had been tampered with. They would find in her examinations the grossest contradictions as to Hubbersty. [He then read the evidence of Sandford about the night she was watched at Potash.] He would be able to show that her evidence had been influenced by what she had heard from Savory.

Prisoner would call their attention to the reports about the poachers. He would show that people had been out to watch the poachers, and that they had been seen to shoot some pheasants where they were fed. He would show them the position of the farm, and how it lay, and they would see that there was a great deal of game. As to what was said about the clock at Potash being much faster than the railway time, he remarked that when it was proposed to go to the concert the watch was compared, and the clock set by the railway clock. If what Sandford had to state was the truth, what had she to suffer? Could he have ever believed she would have come forward and stated what she did; she must have had a bad character. Yet it was his opinion that there never was a kinder-hearted creature before this transaction.

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Nobody could have loved her more than he had done. He knew it would not do for them to go on as they had been living, and he thought she might be his housekeeper. An arrangement of that kind was made, and that proved there was nothing very wrong between them as to the way in which they were going to live. It was to be seen plainly from her evidence that she was anything but friendly to him now, whatever she might have been before.

Then they were asked to believe something about tears; they had arranged to go to the concert, but he never intended to go with her, as there had been a great deal of talk about him. He thought, if after the child was born she remained as his housekeeper, she would go on respectably and be treated as one of the family. He was vexed to see her. [Here the prisoner appeared to be deeply affected, and betrayed considerable emotion, even to tears.] He knew, but did not like to tell her, the real reason why he would not go; and, when he saw her so cheerful at not going, he called her to his knee to kiss him.

He then alluded to the evidence as to when Emily Sandford dressed herself. Here they would find her evidence was not true, and he would tell them why: because she afterwards admitted she went up to put on her morning dress before tea, and knew she was not going to the concert. He wished them to notice how that interfered with the time, and showed that he had not put that question without reason. Then she went on and said she thought she was standing by the fireplace while he fastened her gown. But it did not matter what she had said about sitting at the table, nor would he have asked about it, but to get at certain facts, when she said what she did about its being more than an hour and a half from the time he went out after tea before he went upstairs. Emily Sandford had said that he was away two or three hours, and that it was half-past nine o'clock when he returned. From what he had said, and from the evidence of witnesses he should call, he should convince them that this could not be so. Then she said that on his return he walked very quietly upstairs, and that whilst in the parlour she heard him upstairs—that he told her to go to bed, and that she would not, and that afterwards he came down, that a fire was burning very brightly, &c. The evidence given before the coroner and the magistrates would show that her then statement was completely at variance with her present one. She stated that he had gone out in a quarter of an hour or twenty minutes after he went upstairs, but from the evidence he should call they would see that this was utterly impossible, and that there was not a shadow of truth in the statement. They would recollect the evidence that had been given by Harvey and Holmes. They would remember the darkness of the hour, and the time of night, at which the murder took place. About such a time it was totally impossible for any man to walk from Potash to Stanfield Hall. The nature

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of the land would alone prevent this. Then there were three large gates, and wide and deep gutters, and no man could traverse the distance in the time that had been stated to commit such a horrid deed. But supposing that this were possible, and that he had gone in the direction stated, he would have come exactly upon the spot where Holmes, Harvey, and the girls were standing. He then read the evidence of Harvey, and compared it with that of Holmes, and contended that the latter was correct and the other mistaken.

The prisoner then contended that Chastney must either have been mistaken in the time she heard the second report, or she spoke falsely. According to her own evidence, not sufficient time existed between the report of the gun outside the porch and the second, at which period the man must have passed into the Hall by either one door or another. Was it likely that, knowing the Hall as he did, every crack and cranny being familiar to him, having been possessed of the Hall, and lived in it, having dined in the Hall hundreds of times—knowing this, he would repeat that, had this dreadful deed been perpetrated by him, should he, or any man of common sense, have gone into the Hall by the small door, when the risk was run of meeting all the servants? Because, mind, they were all alarmed. Could anybody have passed the light at the window and not been perceived? He would next speak of the signature of the papers at Read's and other things. There was something more in that than met the eye. He denied he had ever promised to pay the expenses of any person down from London to Potash, though the witness Read deposed an arrangement of this kind had been made. He disputed that Emily Sandford had spoken the truth about being first taken in the gig towards Stanfield Hall, left in the road, and then conveyed to Norwich. It had been attempted to be shown she had been prevented going to the Hall by a subterfuge. Why had not the drain stopped the gig, and was not the fact known to be that Mr. Jermy was from home. What was the meaning of all these contradictions? He could not make them out. She could not say that he ever affected to say that he had taken papers on that day to Jermy and got them signed. That was not proved or attempted to be shown. With respect to the money due to Mr. Jermy, that gentleman would rather have had his interest than his principal. Many persons knew this. He (the prisoner) did not deny the existence of the notice that was found, and, though he did not intend to make any use of it, yet he might have done so at an after period, if necessary. Consequently it was inferred that he felt the greater animosity towards Mr. Jermy. Why, the late Mr. Jermy knew that he (the prisoner) had an old will of one of the Prestons in his possession—a gentleman who, having died, was possessed of £40,000, which independently of the Felmingham property would have been redistributed. Mr. Jermy knew that he possessed the old copy. But it was only a copy. Had it been the

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original, he would have had it proved long since. He had always told Mr. Jermy this. It was frequently a matter of conversation between them, but it never had produced the least animosity, nor did either one or the other see why it should do so. He wished to make an observation with regard to the papers—the documents. Emily Sandford said that the name “I. Jermy” had been added to one since she wrote it. What had really taken place? It was a most remarkable thing that nothing had been said about signing the document after, as she would have them believe, that she had cried and made a great fuss about it at Mrs. Stacy’s. It was a most remarkable thing, very remarkable indeed, that she should cry, which she did at Mrs. Stacy’s, and then say nothing about the same thing at Potash. They might believe him, that there was no such thing as the signatures—he had never seen them until he saw them produced by Mr. Cann. Then there was the brandy tale. That was most important. She would have them believe that he had taken the brandy to Mrs. Stacy’s for the purpose of giving it to her, in order that she might sign it. He would leave the counsel to wrest it as they pleased—it could not be believed that he could ever be guilty of such an atrocious act. If that was true, it was the worst piece of evidence ever brought forward against him. He denied that there had been anything in the letter about the papers—it was one referring to the mode in which they were living, and as a father of a family having a grown-up daughter. Now, about destroying the letters, there was a fuss about them. He had no hesitation in saying that he had no secrets, but as a father of a family he thought it advisable to do so. He next alluded to that portion of the evidence which related to the tale he had told her about having had a conversation with Mr. Jermy, who had behaved well to him. Such was the fact. It was well known what a strange sort of man Mr. Jermy was—Mrs. Jermy was alive—Mrs. Jermy knew that what he was stating was the truth—she was in the parlour, it was there where old Mr. Jermy told young Mr. Jermy to leave the room. He had himself told Mr. Jermy that what business he did he would do it privately; and he hoped that she would be convinced that he was not the guilty man. Mrs. Jermy might be mistaken, the servants might be mistaken, and the magistrates might be mistaken. If he never stirred out of the dock alive, they were all wrong. It was plain matter of fact that all these papers were alike in the top. Why did they want to get A and B alike? Because it was a mortgage. Now, look. When he cross-examined her, she did not know one paper from another. If she made all the fuss about the first, why not about the second? The papers spoke for themselves. She said there were three papers. He said it was a most atrocious case to bring before the jury. Then, about the dates; she must have seen that there were two dates to the documents. Mr. Cann had taken the depositions to the Bridewell, and they

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had been read over to her. She had been imposed upon, and the fact was that the whole of the evidence was false, and was without the least foundation. He again referred to that portion of the evidence relative to the documents, contending that he did not sign "I. Jermy," nor did he know the signature was there. He characterised the statement with respect to the destruction of the agreements that had been alluded to as worthless and untitled to credit, because it would be a most extraordinary thing for a man to prepare agreements of this description and then burn them. But because the parties who had conducted this prosecution could not find them, they must make all this fuss about their being burnt! Then they had all the talk as to what took place when he came home. He would have them bear in mind all that had taken place, and, according to the evidence and the facts that had been proved, find him guilty or innocent of the charge. What did the evidence of Emily Sandford show? Why, that when he came in the parlour door was open, and that he had attempted no disguise. When he came downstairs she might have seen him if she had thought proper, but she knew the reason why she did not want to come to him. If it was of consequence that he should not be seen by Miss Sandford, would he, did they suppose, have taken the course he had? Would he have left the dresses in places where the servants might see them, and where he was sure they had seen them? It was improbable that any man in his senses would have done this. Miss Sandford stated before the magistrates and the coroner that on his return she heard him walking about in his room, and then making a fire, and, after all, the conversation mentioned took place. Afterwards, however, she admitted that when she saw the fire it must have been lighted some time. This she was compelled to admit, and the whole conversation showed it. Then she stated that she went to bed, and in speaking as to time her evidence given before the magistrates, the coroner, and in that Court agreed. Upon all occasions she had stated that it was from nine to half-past, which was the latest time mentioned in any. She was positive as to this fact, and must have looked at her watch to ascertain the time. There were other circumstances which must have impressed the time upon her mind. Let them calculate the time that must have been occupied by him after his return, in walking about in the room, in lighting the fire, in the conversation with Miss Sandford—and take it from half-past nine, the time of his return, as stated by Miss Sandford, and recollecting the time at which he went out, and it would be apparent to them all that he could not have been gone more than half an hour. The jury would recollect that he did not go out until an hour after tea; in fact, he defied them to show that he left the house before eight o'clock, and the evidence was that he went to bed by nine or half-past nine o'clock. Consequently, he could not have been absent more than half an hour. That she knew the time was apparent from the manner she had given her evidence; but, in addition to

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this, he had told her himself to wind her watch up, and she had done so. The Rev. Mr. Postle had made a remark upon this part of Miss Sandford's evidence, but she still adhered to her original statement with respect to the time of going to bed. After he had spoken to her she began to undress, but while doing so he complained that she was a long time. She now recollected that, but she had never done so before. A great deal had been said about his trembling and shaking when in bed, but the real fact of that was this: when Miss Sandford asked him what was amiss, he requested her not to say anything about the matter then, and he would tell her when he got into bed; and on getting into bed he wished to state what he knew about the subject, but she then refused to hear him. He, however, did tell her that he was afraid something wrong had occurred at Stanfield Hall. Had he known what she had since stated, he would have insisted upon telling her all he knew. He thanked God he was innocent of this crime, and if the jury looked at the whole of the evidence they would be convinced of the fact. There was another important matter which had been kept back, but why he had not the least idea. Miss Sandford had stated that in her bedroom considerable conversation took place between him and her; but it was rather curious that she should have forgotten all idea of what this conversation was about. Now, it was rather singular that she should have done so, and it must be evident that this forgetfulness about a matter so important was owing to the way in which she had been treated by those into whose hands she had fallen lately; and it appeared a strong proof that she was now brought to that state that she would say anything they chose to put into her mind. Had he contemplated such a horrible deed would he say he was going out? Then here was a great fuss made about his taking spirits. But he was subject to bilious headaches. On such occasions he would take a little spirits in his tea, and sometimes when it did not relieve him it made him sick. He said he went to his bed, and she to her room, and he went to her about half an hour after. He denied that there was anything in the story about the keys. Had he lost his keys he should probably have said something about it. All who had to do with him knew he was in the habit of emptying his pockets of a night. Had he contemplated such a horrid deed, was it likely he would have let her into the secret? Would he have trusted any one with what must have proved so dangerous to him? On one occasion it was stated he did not come home till eleven o'clock. Then here it came out, as was the fact, that some of the parties on the farm were suspected of taking game, and one man in particular.

Next came the pair of dirty stockings. They all knew very well that it was not a very clean country in wet weather, and to talk about dirty stockings as if they were proof of guilt was quite ridiculous. He could not see how on earth they could bring that in. Then something was said as to rousing him up. And what of that? It could only have been brought out on purpose that

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the learned gentlemen might make an eminent display of it; but it was useless to take as fact what had not something in it. He had not the least recollection of the circumstance. Emily Sandford had mentioned about going to the closet, and he might have gone there. Then came all that fuss about his going to Felmingham. It was said that fire had been set to a closet where some papers were put to dry. Now, the fact was there was a closet near the fire, where there were some candles. The servant girl went to get one, and, instead of cutting it, burnt it off,<sup>4</sup> and, without her perceiving it, the others took fire, and began to drop upon the iron chest where his papers were. As soon as the fire was perceived, some water was thrown on to extinguish it, which ran into the chest, and that was the circumstance that had been alluded to, and which they wanted to show was when some papers were burnt. There was no such thing. Then it was said that, while that room was used for fires, papers were burnt. That was quite ridiculous. Had he had a fire lighted that he might burn his papers, would he have wanted Emily Sandford to come up directly, and not have waited till she chose to come to bed? Oh, it was a farce, a complete farce about the papers. Then Emily Sandford knew he had given his son and his son's wife the ticket to the concert. They could see how it was. There was no connection between where he lived and where his son lived. That worked upon his feelings. There was no doubt she had been led to believe he was guilty of the charge, and what had she to depend on? He did not suppose she had a sixpence to help herself with; therefore, if she were made to believe he was guilty of this charge, was not there every excuse? It was a villainous trial and temptation for her as far as that went.

Then about the servants being gone away. He had no more to do with that than any one else, nor did he want to get them out of the way that he might commit this horrible deed. They had two servants. One of them was a very good servant, and could do almost anything. She was ill a week before, and she went away. The little girl was there only to do some sewing, and, being perfectly useless, she also went away. He should want one of the witnesses for the prosecution to prove these facts. It was ridiculous to make that fuss about the servants being out of the way.

Then came dining together on the Tuesday, and then the firing the gun before dinner. Sandford said, "The prisoner came into the parlour and inquired if dinner was ready, and, being informed it was not, he went to fire his gun off." That had been used against him. Why, it would be shown them by Savory that he constantly did the same thing. He did not keep a charge in a gun long. Potash was a farm infested with sparrows, having a wood of 70 acres beside it, and tenants must be prepared to bang at the birds, or they must be content to lose their corn. And they

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<sup>4</sup> Presumably a bunch of "dips."

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must look to their own little plantation, or they would be unprotected. Then it was said that he was unwell. His feelings were overcome by the cheerful manner in which Miss Sandford bore the disappointment. He would have felt far less had she been angry at not going to the concert. Then let them bear in mind, too, the difficulty he had to get at the time. She mentioned about the hour. They could not make him believe she had stated otherwise that he went out an hour after tea, but it would have been a wonderful deal better if she had spoken only the truth, and held to that. Well, then came the tale, and it was a fresh one—about the fire in the bedroom in the afternoon. That was fresh, at all events. [The prisoner then went on to comment upon the evidence adduced in the cross-examinations of Mr. Cann, Honor Holmes, and Emily Sandford, with reference to the mode adopted in taking the examinations, from which he contended that Emily Sandford had been examined at the Hall on the morning after the murder, notwithstanding she had stated that she had not been so.] There was another thing which had just struck him. Mr. Nichols in his examination talked about a foreign body. He said that foreign body—

Mr. Baron ROLFE—You do not understand it. Medical gentlemen, when they find anything in the flesh which is of a different nature, call it a foreign body.

PRISONER—I did not understand what was meant. It had been distinctly described as a cartridge. Now it could not be that, for all knew that if it had been used it would have been instantly blown to atoms. That they all knew. The next evidence was that of Jesse White—he had been brought into the box to swear that the papers found were in his handwriting. He hoped they would look at them and see if there was the least similarity. White had only been his clerk. Why did not the prosecution bring Glasspoole into the box? Why, because they were not satisfied with his knowledge. He was too honest. They could not rely upon the statements given by that shrivelled-up thing, White. Then there was all that stuff about Jarrold. He was brought to swear to something, but he could not do it. What did it all mean? It was an injustice. Then there was the evidence of that fellow Cann—that villain. He had, since he left the Court, seen Mr. Waugh, whom he intended to call. That gentleman had told him that the evidence of Howe would never do anybody any harm. Then there was that fellow Stubbs, who was the greatest villain that ever lived; a rascal, a slink.<sup>5</sup> Why did they not put him into the box—only because they dared not? If it had been a clear case, why did they call all those trifling things? Mr. Bignold was wrong too; he had said the “J” was not like Mr. Jermy’s. Now, he would say that the only letter like was that “J,” which was afterwards proved by the production of parchment. It only

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<sup>5</sup> A calf, prematurely born.

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showed how the evidence was got up. Then there was Clarke; he ought to have been put into the box, but was not. Why not? He wanted to cross-examine those witnesses, but was not allowed to do so. Well, what about the ramrod? There had been nothing in the evidence to correspond with it; therefore that was a point in his favour. The evidence went to show that the weapons were either short guns or long pistols. Where were they? He hoped the jury would be patient. Pay attention to what he said. He would do that which he thought the best, but they must forgive him for being so long, as the case was important—most important to him.

It was reprehensible of the committing magistrates in having excluded, not only the reporters and the public from the examination of witnesses during the preliminary investigations, but also himself. Had he had a solicitor the case would have been different, but to exclude him from an investigation in which witnesses were giving evidence against him was a disgraceful and an unconstitutional act. He contended that Mr. John Cann was acting as his solicitor at the time of his apprehension, and that he had attended the investigations in the first instance as such. The subterfuge by which these magistrates sought to escape from his charges was contemptible. They said that at the examinations in question the witnesses were not examined upon oath, but to contradict this he referred to the depositions of Miss Sandford, and mentioned one or two examinations at the Bridewell, which he contended were upon oath.

Mr. Baron ROLFE—If you are likely to be long, I am afraid the jury will scarcely be able to attend to you.

PRISONER—I shall require at least four hours more.

Mr. Baron ROLFE—I do not at all complain, but I am afraid the jury will not be able to keep up their attention.

[The prisoner then made some further allusions to the examinations at Wymondham Bridewell, and at eight o'clock applied to his lordship that the Court might adjourn. An adjournment accordingly took place, with the understanding that the prisoner was to resume his defence on the Wednesday.]

The Court adjourned.

Sixth Day—Wednesday, 4th April, 1849.

Prisoner's Defence—continued.

PRISONER—There are one or two little things, my lord, that I omitted yesterday—in intermixing my papers yesterday. You will find, gentlemen, that I made no observations upon one part of the evidence that has been adduced, that is, the part in respect to Emily Sandford. If you recollect, it is the finishing part of her examination in respect of those papers. She says, in her cross-examination, “Cannot remember seeing prisoner.” This was nearly at the completion of her examination; it was the time that some one was called—oh, yes, Mr. Clarke was called in to witness these documents. She went, and, seeing his name, I turned over a leaf, and I never called your attention to the thing. I have no doubt but you recollect it—my putting the question to her; she said she could not remember seeing me putting my name to the paper to which Mr. Jermy’s name was then signed. This was when I pressed, at the last of all, upon these agreements which she pretended to hold. If you recollect, she also admitted, in a question that I put to her, of being able to write several different hands, which was a fact; if she had at all denied it, I would have brought it to her recollection in a minute that such was the case. I would have defied any person to tell the one from the other. And then another thing is, if you recollect, she was sure no material evidence had been omitted by her as to going to the Hall on the 10th. Was that so?—he denied it. Another thing was, she had said she made no reply when Jermy called her a French doll. In pressing her it was evident that she did say something on the point. He would, he hoped, prove to the jury that by no possibility could the papers which she says she signed have been in existence on the 21st November. Her evidence on that point was decidedly erroneous. She also contradicted herself materially about how and when she went to the Hall. Nothing was said about going to the Hall in her depositions of the 10th. Why did she make these variations? To him it appeared the most incomprehensible thing on the face of the earth, and he defied anybody to put any other construction upon this evidence beyond the fact of its being liable to general dispute. First she said he desired her to go to the Hall with him, but did he not remonstrate against her proceeding when the gig got to the drain? Then she said in her after depositions that the only reason why she did go to the Hall was her desire to accompany him wherever he went. What could then be the subject of all this prevarication? What happened on this point also took place about her going to Norwich. The like

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differences existed—first one thing, and then another. It was fixed she should go to Norwich on the 10th she said; then it was decided on at another time—then another—all on the various depositions, it must be recollected, and in cross-examination. To him, he would repeat, these differences were the most curious things in the world. Then to take another point, though he ought to say, perhaps, poor thing, it was excusable, how various was her account of the articles found in her possession, and how she obtained them. He meant those things Emily Sandford had in London. He did not wish the jury or his lordship should think he had an ill-feeling against this witness; but, nevertheless, it was clear she had done wrong, and also by the differences in her evidence it was clear she had been worked upon. He must also remark on the alterations made in the bills for articles purchased in London. Had she not altered the heads of the bills? Had not an “s” been added to one? Did the jury think Emily Sandford knew nothing about the alteration of a letter? He knew she did; and it showed what she was working at. She thought, in fact, that he had been guilty of the horrible crime laid to his charge, and was providing for herself accordingly. There was also another important point. The jury must recollect that ninety-nine sovereigns had been deposited with her. She expended some, she said, but he had never had the remainder back. He must also make a few observations upon the witness, Frederick William Howe. Did the jury believe with the judge that the evidence of the party was of no importance? The idea was ridiculous. Could they suppose, if the evidence of Howe had been given on the examination before the magistrates, or the coroner, it would not then have been considered of great importance by the Canns? Did not Howe say that he (prisoner) remarked, in a public company in London, that he would serve Mr. Jermy with an ejection? Was that of no importance? It was true the evidence of this person was not supported, but he stuck to what he said. He was also a bad character. The judge had received letters about him, and he (the prisoner) had also had communications respecting him. He had, indeed, a letter only yesterday on the subject, with five or six names attached to it of, no doubt, respectable persons, who were ready to prove Howe had declared he would come down for either side. He would repeat that no evidence stood against him of a bad feeling towards Mr. Jermy but the evidence of this fellow, and who could believe it? Then they came to the boy Smith. That little boy was called to prove the laying of the straw. It was astonishing the way in which they had tried to make use of that. When this boy was cross-examined before the coroner they questioned him to show that he was at work on a drift<sup>6</sup> part farm, and was there for the purpose of laying the straw for the occasion.

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<sup>6</sup> Probably means a path for driving cattle.

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Mr. Baron ROLFE—All he said is what he said here.

PRISONER—Here was straw carted, and two forkfuls pulled off as he went past, and were laid on the very worst places, which were very bad, and there was all that fuss about it. And then the fellow Futter did not see that there was any straw littered on the path that had been there more than a fortnight, and that was just to show that the straw was there for no other purpose. What did Futter say? It could not be seen that it lay a fortnight, and yet it came out that it lay there so long that it was quite rotten. Then what did Smith say? The pigs went there to shack,<sup>7</sup> and this straw was laid there in consequence of it being so bad walking. It was laid there for the pigs to walk on. Then as to Futter not knowing how the land was cropped! He must have seen. Let his lordship say what he pleased, what meant the question put to the boy, when he replied that he did not lay any straw there the Friday before, nor did any one else. Why, they wanted to show that some was laid there then, because he (prisoner) was out on the Friday. But it was a lie, and the boy said no such thing had been done. Then the cross-examination of the boy showed too that the straw was laid in no place except where it was very bad. Why, his language was, "It was very bad walking." Then they would find that when he (prisoner) went to where the men were at work, he went only there and nowhere else; but they were not satisfied with what that boy had said. However, it came out plainly enough. He would not occupy their time so long, but that he must show the bad feeling that had been expressed. The learned counsel got up to prove that the field led to Stanfield Hall. Why, they all knew that. Then he directly wanted to show that the straw was littered there because that was the way to Stanfield Hall. No one could make a mistake or misunderstand the intention of counsel, that it was to impress it upon their minds.

What Mr. Colman had stated as to the distance from Potash to the Hall and back being 2 miles and 2 furlongs was all correct. Then there was Futter's evidence, and let them remark it. Could any one believe him after the evidence of the boy? He had asked Futter if he had been there since, and thought if he had, and was an honest man, he would have said, "I have been there since, and such and such things were wrong." They, as men of business, must know that if straw lay there three or four months it would be plainly seen; and yet that man stood in the witness-box and stated that he did not know it had lain more than a fortnight.

Mr. Baron ROLFE—Futter said, "I could not say the straw had not been there a fortnight."

PRISONER—Well, Futter was called to give evidence about the straw, but in describing its appearance would not say that it had lain there more than a fortnight.

Mr. Baron ROLFE—No, no; he did not say that. He meant to say, I cannot say if it was put there yesterday. What he

<sup>7</sup> To pick up grain fallen from the ear, or to feed in the stubble.

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really did say was, "I cannot say it had not been there a fortnight." He might have said, if you had asked him, that it was a month or six weeks.

PRISONER—But he said, "In some places there was no straw," and the boy said it was impossible not to see it. Then what was the answer given by him as appeared by the deposition? He said he could not tell that that straw had been laid there more than a fortnight.

Mr. Baron ROLFE read, "I cannot say the straw had not been there a fortnight."

PRISONER—What of that? He hoped the jury would not be led away, but use their own judgment. If they were called to give evidence, would they not be able to say if it had lain there more than a fortnight?

Mr. Baron ROLFE—That is not what Futter said in answer to your questions.

PRISONER—But it is very like it. Then let them hear what Futter said about the time. Would they believe his evidence about walking there in a quarter of an hour, when his answers were as plain as could be? The question was put quick, and he said, "My watch is so-and-so at Stanfield, and so-and-so at Potash; five and twenty minutes later." I believe that was the fact. Then he turned about and swore it was only a quarter of an hour. There were one or two little separate things in Pont's evidence that he wanted to call their attention to. They would have the kindness to consider, and they would see that he made out more than the truth. They would bear in mind that every one of the police used different words. Why was that, but because they wanted to show that the time was mentioned, and that there was more in it than there was. Why, if one had spoken to the conversation, that would have been sufficient. Then they spoke of names that he knew nothing about. As to his having talked about young Jermy being his enemy, that spoke for itself, that it was not true. It was quite ridiculous, and was a tale got up to make them believe he was guilty of that most horrid murder. Then they would recollect the contradictory evidence about the carpet bag. And they would not fail to see as clearly as himself the consequences of the papers being pulled and thrown about, and what was the object.

They would find by Pont's evidence that he saw Colonel Oakes there at the time those papers lay about; and therefore it must be within their own knowledge that those papers were there. But not only so, but Pont was there with the keys, and they did not want to throw the bag about, as they had the means of getting at its contents. It must be thought of trifling importance what Pont had said about the powder flask, but they all knew that if a person would swear falsely about one thing he would about another. He hoped they would allow him once more to call their attention to what Morter said about Pont. He said he saw Pont after his

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examination, when he (Pont) came out of Court, but that he altered nothing about his giving his evidence. Now he wished them to bear that in mind. He had no doubt there had been a communication going on, and it was that he wished and hoped they would bear in mind what he had before said.

Next they came to Hubbersty, for after the way in which Emily Sandford's evidence had been got up, how she was found at Potash, and John Cann taking her evidence, it was most important. They would find that he (prisoner) had no time to make any remarks upon the evidence when taken, because he knew that he should have time by and by, and they would find his remarks were well founded, though he then did not know all. They had heard the evidence given about the Wednesday morning, that everything was taken out of the closet and examined, although they now would not admit that those things were seen at the time. Why, they had never been attempted to be concealed. He got it out plainly enough, although with much difficulty, that the things were taken out of the box. If they had wanted only what was right, why not have told the truth at once? They must know, as men of sense, that a lot of things in a box must naturally be looked at. There they were.

There was some motive about Hubbersty's saying he was at Potash on the Friday. Now, his own impression was that Witherford, Hubbersty, and Cann, and no one else had been concerned in tampering with Emily Sandford. Hubbersty said he did not go back with her, but with himself. No, he could not swear about that; but his impression was that he did not. She swore positively that he went back with her, and that she saw him next morning. Why should he have sworn that if he had not gone till Friday? But either he or Emily Sandford must be in the wrong. There was something wrong somewhere. Her impression was that Hubbersty was the man who drove her. Hubbersty said that he saw Emily Sandford first in the pantry at the Hall, and here there was a discrepancy between her evidence and his. It was well known that Mr. Waugh was at Potash on the Friday, and after he had gone Emily Sandford said that she sat down and wrote the statement. That statement was sent to Mr. Cann a little after two, and would the jury believe that it was not given to him before the time he stated, namely, in the evening. He was put in possession of documents, soon after, which would have proved his (prisoner's) innocence, and it was most unfair that these were not produced. Hubbersty said that Emily Sandford was at the Bridewell about seven o'clock. Why was she sent for? He was present during the examination. There was something mysterious in this. Why was not he (the prisoner) there, and why was Hubbersty permitted to be present? Did he not know what an examination was? Then he said that the magistrates had examined her for more than three-quarters of an hour in the morning, and that they examined her longer than that. What

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did they examine her about during this time? There was something wrong in this, and he trusted that the jury, notwithstanding that the magistrates were great men and he (prisoner) a poor one, would not be deceived. Hubbersty said that he did not recollect whether she signed this deposition or not, but endeavoured to get out of the difficulty by saying that he was not present when the examination commenced, and that he had left the room before it was finished. But the jury had heard what Emily Sandford had said, and they would form their own conclusion.

The next part of the case was most important. The next day (Saturday) they, Hubbersty and the Messrs. Cann, were at Potash early in the morning, and for what purpose? Why, because these fellows wanted to manufacture the whole of this story about the secret place, and to put such documents in it as they thought proper. Why did young Cann and Emily Sandford want to be here alone? He would swear that this place had been a secret place of his, but Hubbersty, not knowing the importance of the affair, let it out that Cann and Emily Sandford were there together. The keys came from Mr. John Cann, and they must have been in his possession a long time before. He (the prisoner) knew nothing about these papers being there, and had never seen them from the time Emily Sandford wrote them till his examination. They must, therefore, have put them into this place. The place had ceased to be used as one of concealment since his mother's death, and all the papers and deeds of importance had been removed to Felmingham, where they were found in the iron chest. Did the jury believe that the papers had not been examined at once, and that Emily Sandford spoke a falsehood when she said she did not see them till the 12th? It was preposterous to suppose that he, or any other man who had seen the writing of Mr. Jermy, would palm these signatures off as his. There was not a single letter in the whole of the signatures that appeared to him to be like that of Mr. Jermy's excepting the one which the gentleman (Mr. Bignold) had said was traced. Then there was the statement respecting the cash-box. Hubbersty said that the elder Mr. Cann was not there, and after that what did they think of the evidence of Miss Sandford, who swore positively that he was present? Then came Mr. Bacon, and, if his lordship thought that Howe's evidence was not worth much, he would not think much of this. He was called to swear that he had heard him threaten he would shoot Mr. Jermy—a crime he never contemplated, and if they had wished they might have called one of Mr. Bacon's men, who would have entirely disproved the whole statement. There was something in the statements that he could not explain. It was true that he had had considerable dealings with Mr. Jermy, in the course of which undoubtedly much had been said, but it had always been said honestly and without disguise. Whatever he had said, he had said to that gentleman's face openly and straightforwardly. Now, with respect to Frederick William Howe. There he was staying at the Bell Inn! That is

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Mr. Cann's house. Are his expenses paid? Did they suppose a man like him would come without being paid? Doubtless they were all at the Bell, having a good jollification together with Cann. It was nonsense for them to suppose that he had not his money paid, or was promised. The evidence was of such a nature as required time to get up—like the evidence about the papers—since it was held back until the last moment, in order that he might not have the privilege of knowing about it. Before he concluded the remarks upon the evidence, nearly the whole of which he had gone through, he would make a few brief observations on a letter which had been already alluded to, and which he would produce if they liked. [The prisoner then read a paper, referring to the title of the Stanfield Hall, and showing that at some previous period an attack had been made upon the house. Parties had gained possession, which they held until they were compelled to give up by the military, and two or three wagon loads of persons were taken to Norwich Castle, but many of them were discharged upon their own recognisances, and had never heard further about the charge.]<sup>8</sup> It was the impression of many of those men—and others besides were of the opinion—that if those parties had held possession, they would have only been expelled by a process in law. Such was the opinion of those to whom he had alluded as having seen on the night of the murder. Indeed, the late Mr. Jermy he knew was of that opinion, and hence the cause of the sale of the Stanfield Hall; for was it at all likely that any man would have sold such a property as that for £1000, knowing that it could not have been replaced for £7000 or £8000? Was it likely that the Hall would have been sold if it was not for something of that sort? There was, it was well known, a dispute about the title to that Hall, but the question was too long for him to go into, nor was it necessary, placed as he was then upon his trial. But he would state, and that on the word of God—and he would prove it too—that it was more to his interest that the late Mr. Jermy should have lived than have been removed. He would tell them that if he had lived he never should have been compelled to give up possession of the Felmingham farm—at least, he did not believe he should; and he had every reason to think that, if he had given up possession of the Potash farm, he should have been allowed possession of the Felmingham farm. Mr. Jermy had written a letter to him to that effect, in which he said he had made an arrangement with Watson which he would refuse. He (prisoner) had also received a letter stating that the money should remain for three years longer. The recorder also knew that he was perfectly acquainted with the whole of the affairs from beginning to the end, and all the family affairs. During the time of the recorder's father he had the run of all the papers—he had arranged them all for him—and he had shown that the gentleman was in possession of at least £42,000 of valuable property for the children, which he

<sup>8</sup> See pp. 5, 8-10.

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had shown to them the other day. He only said that to show that he was well acquainted with all the concerns. With regard to the £42,000, that was a fact, and nobody knew that but himself, except a very few. The letter he had written to Mr. Flower would show that he knew all the facts. He knew that the Hall was taken possession of a few years since—that they kept possession for a time. On the day those parties took possession he (the prisoner) was at a sale of property at East Reedham, then being an auctioneer. Having made his remarks upon the evidence, he would address a few general observations upon the whole case; but he would beg of them to be patient—they had been so, and he hoped they would continue so—for it was necessary he should make the remarks.

He sincerely hoped the jury would not be influenced by any statement or reports they might have found in the public papers, but he trusted they would only adhere to the evidence as given before the magistrates, the coroner, and such as had also been given in that Court, not forgetting those variations he had pointed out. He could not avoid alluding to the fuss the prosecution had made because he had not cross-examined Emily Sandford on one occasion. But surely, if he had not thought proper to cross-examine this person, he had a right to take that course. Perhaps he did not consider it worth while to do so when he found the evidence had been so completely trumped up. Added to that, Emily Sandford might not have been in a fit condition for cross-examination, after being at the Hall ten or twelve hours, and, had he cross-examined her, it was not unlikely she would have gone quite the other way to that which she ought to have gone if she had spoken the truth. But he would leave those trifling matters, and go to those points which more closely connected him with these transactions, or were said to connect him. After he had gone upstairs to put on the dress said to have been worn by him, did the jury think it probable he should have come down and passed the parlour door—that door being open—had he cared about his disguise? Nay, should he have gone and seen Savory—for, if not incorrect, he believed that had been sworn. Was this likely? And he would repeat on that point, as he had done on others, that if it were the last word he had to utter in that world, he only went to that part of the farm, he had already said he had reached, and where he saw the men, and he hoped he should prove he went no further. It was impossible he could have gone to the Hall, which he would certainly prove. After his return, what did Sandford say—that he came in, and went upstairs to bed? When did he go to bed? She had never in all the changes of her evidence stated that he had gone to bed later than half-past nine. Remembering the time she had stated he had gone out at first, it was not possible he could have gone to the Hall and back again within the time. Why, one of the police examined—one of those fellows with long legs, he did not know how long—stated that it took him twenty-five minutes to go

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to the Hall. A man with long legs, recollect, and going in the daytime. Now could any person, however well he knew the road, have gone in that time in the dark; could they have gone in double the time? Look at the evidence of Mr. Drane, the surveyor. That witness stated, the first obstacle a person would meet in coming to Potash from the Hall was the main river or drain, 7 or 8 feet wide. Then another drain, then followed a pond 10 or 12 feet deep. Drane also deposed that no person could walk on the bank by night; and recollect on the night of the murder the weather was wet. Then Mr. Drane added there was a fence, and a ditch 5 feet deep and 4 feet wide. Could he (prisoner) have got over this ditch? Drane had stated that a tree lay across the ditch, but this was not so, and the shrubs that lay there could be no assistance whatever to a person desirous of getting across. How did Mr. Drane himself get over—why, by jumping—in the daytime, mind, and that could not be done at night. Drane did not speak of a severance<sup>1</sup> existing in the bank; but, nevertheless, a severance existed there, and cut the bank in more than one place. Did the jury suppose that, living on the terms he did with Emily Sandford, he should have made her acquainted with his intentions respecting Mr. Jermy if he had any, and of his guilt had he been guilty? She had said he had trembled when he had got into bed; so he did. He admitted that, but he was cold, and after he got warm he felt quite firm, because he knew his conscience was quite clear, for no more weight lay on his mind then than did at the present moment. Did the jury think that he could call on God as he had done, declaring his innocence, if he had been a guilty man? They must be aware from the way in which he had examined Miss Sandford that, notwithstanding what his lordship had said about it not being important, it really was important. The candid answers she gave at once showed that she was the last person he could have thought of making use of for concealment.

As to the papers, they must bear well in mind her different statements about them. What was meant about burning them? Then it could easily be proved he never went to Emily Sandford's lodgings without a pint bottle of port. As to the brandy, it was necessary for her in her condition. It was impossible he could have taken the brandy when she signed the papers. The letter that had been alluded to was of Cann's manufacture, and it must have been destroyed. He meant the tale of this burning the papers. It was a tale put in with the brandy tale entirely to make those papers appear of more consequence. He had sent a letter to her in which he had remonstrated with her, but it was ridiculous for men of common sense to think that letter had anything to do with the case. It was intended to be insinuated that he brought the brandy to get her to sign the papers by first raising her spirits.

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<sup>1</sup> A cut.

## James B. Rush.

### Prisoner

Mr. Baron ROLFE—That was absurd. She was much more likely to have been induced by a glass of wine.

PRISONER—They heard nothing more about it when he brought the other papers to be copied, or when he told her Jermy would not sign. They must therefore see that all that had been said on that subject was false. Then, again, he must impress upon their minds the importance of regarding the way in which they had got up their case. He would have cared nothing about that if he had had some one present to show what had really taken place at the gaol. But there were only the two Canns and Hubbersty. Let them compare the evidence of those men and of Miss Sandford, and their going into the room and conducting the examinations without any reporters being present, and, if that did not make any impression on them, nothing could. After that they had her for a second examination on the 12th, and not before him till the 13th. Then, about allowing such evidence. If they had wanted only what was right they would have received only such evidence as had some plausibility about being right.

There was one thing he wished to say a word or two about. They could recollect that on the 4th of December he first knew John Cann would not act as his solicitor. He would show, before he had done, that he had made frequent applications to the magistrates, but he had everything back, so that he had no chance. Surely they might have let some one friendly to him see what they really had.

He would just call their attention to the improbability—in fact, the madness—that he, had he been the murderer, knowing the place as he had done, should have shown himself to the servants. The thing spoke volumes. Had it been any one's intention, it was never worth while for one well known to run among the servants; but whoever it was must have known well that there was no possibility of their recognising him.

It was astonishing that they did not bring forward the dress that he usually wore when he went out of a night. He had told his solicitor where he would find it. Whether it was done intentionally or not he could not say, but the police, when they turned over the litter in the yard, must have turned over that dress. From knowing certain things had happened he knew he must be suspected, and he put it there. He thought it would have been brought forward, but it seemed, after the evidence given, that they would not produce it or make use of it.

When should Mrs. Jermy's deposition be read, my lord?

Mr. Baron ROLFE—It may be read as part of your evidence, and you may comment upon it. I would have you well consider before you do it.

PRISONER—I must do it, my lord. I want nothing but the facts.

Mr. Baron ROLFE—You must recollect that by reading it you read it as something that is true. You read it as some true fact.

## Prisoner's Defence.

Prisoner

You may read it because there is something in it that is in your favour; that she gave truthful evidence, and you quote it.

PRISONER—I can't say it is truthful.

MR. BARON ROLFE—I did not quite hear the last observation you made about the dress.

PRISONER—The dress hidden he had been in the habit of wearing when he went out at night. It was a round slop<sup>2</sup> dress with a hole in the top to put his head through, and what he told his lordship before was that the other party being in possession as he supposed, and he knowing he should be suspected, he put that dress into a certain place, and he sent yesterday to get it to show that it would completely contradict what had been said, and if it were produced it would show what he used to wear. He had had it made so that his men might not be able to distinguish him from a labouring man. And that dress he had no doubt would account for some of the evidence that had been given. It would in some way account for the evidence about the length of the garment, that it did not cover the man's knee. They must have known, if they saw the cloak on him, that such evidence had been given, and Chastney had some reason for saying what she had done. No man could see the cloak on him without seeing that it came below the knee. And Emily Sandford must have told them so, and that the cloak came below the knee.

As to Mrs. Jermy's evidence being against him, he would leave them, as men of sense, to say if it was. He would say it was not—let them make what they could of it, and twist it as they liked. [He then asked the judge to read Mrs. Jermy's deposition, but his lordship declined, desiring him to read it himself.] Well, they would find he should not remark much on it; but he would read that part of it that he desired to call their attention to, and, when he had read it, take in all its bearings. She said, "First of all I called 'Watson, Watson!'" When they heard Watson's and Chastney's evidence, and compared Mrs. Jermy's with it—he wanted nothing but the truth, and to have them bear in mind that evidence. They might say what they liked about the one evidence not contradicting the other, but he insisted that they did, and both could not be true. Mrs. Jermy went up with Chastney to the door. "I at the same time saw a man in the staircase hall; he appeared to come from the dining-room way." That was exactly almost Chastney's words. "My impression is he had a gun or long pistol, or some long instrument in his hand." That was just like the other. "He immediately fired at me. I felt I was wounded in the arm. I was so hurt I ran up into the nursery." They might say what they liked about this being against him, but he insisted it was not.

MR. BARON ROLFE—I did not say it was against you. I said it might be.

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<sup>2</sup> Generally means ready-made.

## James B. Rush.

### Prisoner

PRISONER—"I don't recollect the firing another gun; at the same time I heard Chastney call out 'Oh!'" That is what Chastney said. "I could not see his face; it struck me it was Rush." That was a proof that there was a prejudice against him, and that they would all suspect him unless they had taken the party in the fact. Could they think that a person immediately on being fired at in that way could make any observation on what was going on? Did they not perceive that this was about the very time that he was in the habit of visiting Mr. Jermy, when he had business to transact with him? It was Mr. Jermy's wish, when he (the prisoner) wanted to see him, that he should always go up after dinner, about that hour; and therefore this might be one reason why it had struck her that it was he. But there was no foundation for this belief, and the statement which she made in her evidence-in-chief was contradicted by her answers to his questions in the cross-examination. If, however, they should credit her first statement—if they gave a wrong verdict and found him guilty—he hoped God Almighty would forgive them. Mrs. Jermy said, "My impression was that the person had a greatcoat on." Now, what did they think of that statement? That was the observation of one witness, whilst another with equal positiveness described it as a cloak. These discrepancies showed the way in which the evidence had been got up. He contended that Mrs. Jermy had given the best description of the man, and he had no hesitation in saying, from a perusal, that she had accurately described his dress. This the jury would admit when they had heard her evidence. She had stated, like Eliza Chastney, in her first examination, that the man had a hat or cap on, and taking the statements of the two—statements that were made shortly after the murders—was it not evident that when she came into that Court and swore that he had neither a hat nor cap on she had perjured herself? Mrs. Jermy was not positive as to whether the man had a hat or cap on, but she thought a hat, and, after hearing this, what did the jury think of the evidence of Chastney, in which she described him as being flat on the top of the head. It was most monstrous. But now came the most important part of Mrs. Jermy's evidence. After having described the gun, and the way in which the man fired, she said, "I knew him by his broad shoulders and stout build." Good God, could they for a moment believe it was possible that a person, who had been fired at under such circumstances, could give such a particular description? He asserted, in spite of all that the learned gentlemen might state to the contrary, that the jury could not believe the person Mrs. Jermy saw and described was the same person that Watson and Eliza Chastney had seen and described. Mrs. Jermy said further that she did not know whether his coat was buttoned or unbuttoned. Now, was that anything like the dress Watson described? Let the counsel for the prosecution use this deposition against him if they chose; he did not care, as

## Prisoner's Defence.

Prisoner

he wished the whole of the truth to come out. The evidence showed that the witnesses must be speaking to different persons.

The prisoner then concluded as follows:—Gentlemen, take time to consider all the circumstances in connection with the evidence that has been given. Weigh it well in your minds. For the sake of my dear little children, do not hurry in giving your verdict. If you are not quite satisfied of my innocence (which, I hope, you are in spite of what may be said), if you have any doubts, I am not afraid that you should have plenty of time to consider. Trust in God, and be guided by His all-wise Providence in looking at the evidence and forming your decision upon it. Do not, for the sake of my dear little children, whose hearts are bursting with suspense as to the result of your verdict—do not, for their sakes, and for the sake of your own, and your dear families' happiness, be biased by anything you may hear from any one, only as relating to the real facts of the case. Be sure to divest your minds of all prejudice that you may have been liable to from such horrid reports as I have alluded to before you came into this Court. Consider from the real facts of the case whether it was possible for me to have been the man who was seen at the Hall on the night of the murder. Compare the statements of the different witnesses as to the dress in which the man appeared (especially what I have mentioned about Mrs. Jermy's evidence) and my remarks on the same. Consider the distance from one place to another, and what has been said on that point, and also the time I was absent, and I am sure that God in His goodness will influence your verdict in my favour. My whole trust is in Him, and that He will guide you. Should there be (which I cannot see how there should be) a division as to your opinion, be ruled by me, and trust in God—those who are for me—and you will afterwards think it the happiest day of your lives, when you stood firm, and on no account whatever would return any other verdict than that of "not guilty"; the others, if there are any against me, will bless you in their dying moments that you did not allow them to return a verdict of "guilty" against an innocent man. I have not the least doubt that at one time or other it will come out who were the real perpetrators of this most horrid deed. I say again, gentlemen, trust to God and do your duty; do not be led away from the facts of the case by the flowery eloquence that may be used against me by the learned gentlemen employed against me. All I can say is, may God Almighty bless you and make you discern with a wise and understanding heart. This is the prayer of one who expects justice at your hands for the sake of his dear little children, who are destitute of a mother and who are looking to you to give them back their father.

[Prisoner concluded his address at twelve o'clock, having occupied nearly fourteen hours in its delivery. He then handed in a long written statement, detailing what he stated had taken place on the night of the murder.]

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## Prisoner

Mr. Baron ROLFE (after reading the paper)—That is no part of the evidence that I can see. I will read it privately, because I told you I could not take down in the statement from your mouth; but there is no part of it evidence.

PRISONER—It states how I came to know anything of the murder. I now ask counsel to produce the letters. I have given them notice to do so.

[Mr. Serjeant Byles produced some letters.]

PRISONER—They are of no use. They are only old ones. There is not one in 1848.

Mr. Serjeant BYLES—They are all we have.

[Prisoner then handed in two papers, the one a memorandum, dated October, 1848, for the appointment of a valuer. It was agreed, for the convenience of the prisoner, that the documents should be read after the examination of witnesses for the defence.]

## Evidence for the Defence.

GEORGE WAUGH, examined by the PRISONER—I am a solicitor living in London. On the 1st of December I was at Wymondham. I sent you, in the Bridewell, my card.

What message did I send you?—Mrs. Bryant told me you would like to see me, but not professionally. Mrs. Bryant also said that I could not see you without an order from the magistrates. She did not tell me anything about Mr. Cann. I first saw Mr. Cann near the King's Head.

Will you state what took place?—

Mr. Baron ROLFE—We can't hear that—it is not evidence.

WITNESS—In about an hour I went back to the Bridewell. Mr. J. Cann was in the room on the ground floor on the right side. Mrs. Bryant was there. One of the inspectors of police, whom Colonel Oakes had sent with me, was in the room. He was there to give directions that I should not see you without a policeman being present. In consequence of these instructions a policeman took me up into your room. Mr. John Cann was also there. I did not know that Mr. John Cann was going to visit you with me until I saw him in the room below. He went into the room with me. In consequence of that the policeman retired into the passage. I don't think the door was shut.

What conversation had we?—

Mr. Baron ROLFE—We can't admit that.

WITNESS—On my leaving the room Mr. Cann stayed with you. I went back for him, and said I could not wait for him. I recommended you to place yourself in the hands of some respectable solicitor in the neighbourhood, and not defend yourself. I said you could not be in better hands than in Mr. Cann's. I said I was in a hurry to get away by the rail, and went away. Frederick

# Evidence for Defence.

George Waugh

Howe has been a clerk in my employ. I would not believe him on his oath, if contradicted by reputable testimony.

ARTHUR WALKER HYDE, examined by the PRISONER—I am an accountant and arbitrator. I know Howe. I first saw him on the 4th of December last. The first time I met him was in the Wheat Sheaf coffee room, London, on that day. I have had one conversation with him with regard to the Stanfield Hall murders.

What did he say?—

Mr. Baron ROLFE—That is not evidence.

Serjeant BYLES—I must really object to that.

Mr. Baron ROLFE (*to prisoner*)—You have been without counsel. You could have provided yourself with one had you pleased, and you have been allowed considerable latitude; but, in justice to the witnesses, they must be protected. You must say what they have said, and call witnesses to say at some other time they have told a different tale.

PRISONER—That is unfair. How should I get at it? I never interrupted the counsel.

Mr. Serjeant BYLES did not object to the question, provided Howe could be recalled and re-examined.

Howe was called, but, as he did not appear, the witness stood back.

MARIA BLANCHFLOWER, examined by the PRISONER—I was nurse at Stanfield Hall on the night of the murder. When I heard the first report on that night I was in the nursery. I came down the back stairs after I had heard three other shots fired off. I did not see Eliza Chastney lying at the bottom of the stairs when I went downstairs. I went into the servants' hall, and so into the back kitchen. It is the cooking kitchen. I ran fast down, and so I did in the passage. I did not see Miss Jermy, but I heard a bustle in the passage, but could not tell who it was. They were going to the servants' hall. I did not see anybody in the hall when I went through. When I got to the servants' hall door I looked back.

Who did you see?—I saw a low, stout man, broad shoulders, no hat on.

You did not know who it was?—No. I did not stop to look at him. When I got to the back staircase I passed him. He was near the back staircase. I brushed by him.

Did you pass me quickly?<sup>3</sup>—When I got to the servants' hall I looked back, and saw the man coming in the direction of the servants' hall. I then ran through the hall into the kitchen. I had not time to see if it was any person I knew. I did not see Read or Miss Jermy.

Cross-examined by Mr. Serjeant BYLES—The man had a dark

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<sup>3</sup> An awkward slip of the tongue, if the report be accurate.

## James B. Rush.

Maria Blanchflower

dress on. I went to the Hall on the 4th of November; this was on the 28th.

By Mr. Baron ROLFE—I had never seen the prisoner to the best of my knowledge. The man, when I saw him, was coming direct to the servants' hall or the entrance. I do not know whether he had passed the side entrance.

SOLOMON SAVORY, examined by the PRISONER—At the time of the murders I lived at Potash farm. I had lived there about three months. At that time there was an immense quantity of old straw on the farm. I know that several gateways and roadways have been littered with straw to make manure. There was one road into the Seven Acres. Police Constable Pont took a pair of light boots out of the kitchen. I gave them to him. They were a little wet. They had been standing next the fire. The heavy pair were dry. I had placed them by the fire that night. I have been examined at the Hall and the Bridewell—once at Norwich. I was confined in the Bridewell to give evidence. At the commencement of the season I sat up some nights watching the game. I have known that you suspected the game was poached. I recollect one of the men being seen after game; I thought so. He was not taken. I recollect telling you I saw somebody put a dog over the fence. I recollect a stack of barley being in the field. Sir John Boileau's wood adjoins the Potash farm. The wood joins the farm on the other side of the road; there is a great deal of game in it; besides that, there is only a field which parts this immense wood and the farm. There is only one small field which parts the Potash farm from the Stanfield Hall estate.

PRISONER—I want to show, my lord, that there is a great deal of game in those parts, notwithstanding what has been said.

*Examination continued*—I recollect the best servant had left Potash from illness. I was asked questions at Stanfield Hall. I was asked the latest time I had seen you on the farm, and I replied between seven and half-past seven o'clock on the evening of the murder.

Will you swear it was not eight o'clock?—I cannot swear this.

By Mr. Baron ROLFE—Do you swear it was not eight o'clock?—It was not eight o'clock.

*Examination continued*—You have contradicted your evidence.

Mr. Baron ROLFE—You can't contradict him. You produce him as the witness of truth.

*Examination continued*—Did I bring you a candle?—Yes; about six o'clock, or a little after that hour.

Has anybody asked you to state a different thing?—No.

Why, then, do you state these things differently now?—I do not.

When did you see me with my indoor dress on?—About half-

## Evidence for Defence.

Solomon Savory

past seven o'clock in the evening, and you spoke to me near the back door.

By Mr. Baron ROLFE—When did the prisoner give you the light boots?—About five or half-past five o'clock.

What did he give them to you for?—To wash them.

And you washed them?—Yes, and I put them by the fire to dry.

And you gave them to Pont?—Yes, I did.

*Examination continued*—Have you ever been asked what you heard me say to the police on the next morning?—No.

Were you in the kitchen when they took me into custody?—No, I was not.

WILLIAM FREDERICK HOWE (*recalled*), examined by the PRISONER—Do you know Mr. John Lincoln?—No.

Do you know a Mr. George Plane?—No.

Or Mr. James Bushey?—No.

Nor Mr. J. F. Smith?—No.

Nor Mr. Frederick Gray?—No; I never heard of such a name.

Have you never stated you would go to Norwich and swear for me, or against me, for £20?—Not to my knowledge.

By Mr. Baron ROLFE—Could you have said so, and not known it?—No; I never said so. People were joking about my coming down here, and said for a joke, “Do you think you will get a hundred pounds?” Nor have I named to any one anything about the money I was to have, or expected to have. I can produce my surgeon to prove that I was anxious not to come down, but he refused to give me a certificate that I was too unwell to come down.

*Examination continued*—Then you have had a little compunction about coming down?—I did not wish to come down. I came here a perfect stranger. I do not know a soul in Norwich.

Have you not said you would go down if you received money?—No.

ARTHUR WALKER HYDE (*recalled*), examined by Mr. Baron ROLFE—Did you hear William Frederick Howe say he would come down and swear either way for £20?—Yes.

Prisoner requested the judge to examine the witness further, and, on his lordship's declining, would not proceed with him.

Cross-examined by Mr. PRENDERGAST—I live at 15 David Street, in the New Road, near the top of Baker Street. This conversation took place on the 4th December, at the Wheat Sheaf Tavern, about eight p.m. I have a memorandum of it. I have not a memorandum of it. I made a mistake. I am an accountant, carrying on business at 39 Lamb's Conduit Street. My name is not on the door or doorpost. You would find no mark on the house to show my office is there. There is no plate or name of

# James B. Rush.

Arthur Walker Hyde

any kind on the door, but there is an office bell. The ground floor is kept by Miss Smith. The second floor is not let. I have been there more than twelve months. I took it from Christmas, 1847, to 1848. I pay £25 a year rent. I have two rooms—one—I occasionally keep both. I don't always keep myself in both. I have a clerk named Williamson. There is no clerk's office. I don't do anything in the Insolvent or Bankruptcy Court.

What estate have you managed lately?—The Lexham estate. I have only known Howe since the night named. The elocution society meet there. I was the chairman that evening. The conversation was in the coffee room. I was first an accountant, then kept a public-house, and then turned accountant again. I never kept a coffee shop. The ground floor of the house in Lamb's Conduit Street is a coffee shop. Miss Smith is no relation to me. I was once in the Metropolitan police, but I resigned. After that I kept a public-house. I came from Ireland. When Howe said what he did I regarded it as fun. He said he had evidence that would hang Rush. That was the first conversation we had about Rush.

PRISONER—All this is taking advantage of me. It is shameful and disgraceful.

Mr. Baron ROLFE—This is evidence I have admitted at your request.

WITNESS—I am quite sure we all laughed at what was said as a joke. A solicitor in London paid my expenses down. I don't know his name, but he is agent to Mr. Mendham. He paid me £3.

Mr. Baron Rolfe then asked the prisoner what other witnesses he had. The prisoner replied that, if he was not allowed to put the questions he wanted, it was no use calling witnesses. He then proceeded to denounce with considerable warmth the conduct of the prosecution in not having given him notice of their intention to call Howe, and of the counsel for the manner in which he had cross-examined the last witness. He signified his intention, under these circumstances, to call no more witnesses. At his request, the following letters were put in and read:—

April 18, 1848.

To Isaac Jermy, Esq.

Sir,—I have told you before I was loth to take steps for taking your estates away from you—your giving my mother notice to quit the Felmingham farm has broken all ties between us. That was occasioned by the fatherly care and kindness I always experienced from your father, and my first step towards ousting you from the home he so much honoured is to have the enclosed pamphlet printed, which I hope will, in some measure, set matters right, as far as public opinion goes, and I expect, unless I am very much mistaken, you will have enough law on your hands for some time to come to make ample compensation for the £420 damages you have got against me, and will satisfy you for all trouble and expenses in serving the aforesaid notice. I tell you candidly it shall not be my fault (now once I have begun) if you have not. I send you this without the least expectation it will lead to an amicable adjustment of matters between you and my mother, but I thought, in memory to my dear old friend and benefactor,

## Evidence for Defence.

I would give you one more chance before I publish the enclosed pamphlet. Your lying friend Clarke (if he did not instruct your counsel Evans to say it was through the papers being circulated before the trial) was the cause of not leaving the business to reference; at the same time, not a word of the circulars was written the previous Friday to the trial, and I never thought for a moment of leaving anything but the question to be tried to reference when I proposed doing so, and he knows it as well, however his smooth oily tongue may wag to the contrary. Should you feel at all disposed to go on peaceably and act up to your promise as regards the Felmingham farms, and letting his farm, the Carlton lands with Potash, say so at once by return of post, and you will hear no more of the enclosed pamphlets, nor be annoyed by any steps that may be taken by me in the business, and this I say not for any respect I have for you, but for the sake of my dear, dear mother, and as I said before, in respect to the memory of the DEAD. I give you this one chance more, on waiting your reply till Friday morning.

I am, Sir, yours, etc.,

J. B. RUSH.

April 26, 1848.

To Isaac Jermy, Esq., Stanfield Hall.

Sir,—When I saw you on Sunday, I thought of being down into Norfolk again to-day or to-morrow. I have business to detain me; therefore, shall not be there till Sunday, if then, but I want your answer as to what terms my mother can have the Felmingham farms, for eight or twelve years from next Michaelmas, and also the Carlton lands, to be farmed with Potash; she will take those from last Michaelmas if you think proper. It is highly necessary I should have your answer by Friday's post, at the latest. I have nine children. You have completely ruined me, as far as my own property goes. If you think I shall not take steps to ruin you and your family, you never were more deceived in your life. You do not know me yet. Hitherto I have done nothing but what I have told you of, but, unless you answer this letter satisfactorily, nothing on earth shall prevent me treading in your steps, and paying you off in the same most villainous and base coin as you have me; but don't take this letter in the wrong light, for you may believe me when I tell you that such is my weak and foolish way of looking at what has taken place that, after bringing your dear old father in my mind's eye, I feel as great reluctance to commence hostilities against you, as if you had never wronged me in the way you have. And I do believe, if you were now to propose fair and reasonable terms to what I have mentioned, I could go on as if nothing had ever gone wrong with us. I have repeatedly been blamed for such leaning towards your family, and I know I am very foolish and wrong, for the sake of my family for doing so; and it has been in a great measure the means of leading me wrong in the steps I have hitherto taken, particularly in 1838 and again last Michaelmas. I was persuaded over and over again to let Jermy, who claims the estates, go down into Norfolk with his family, and go into the house at Stanfield when I quitted, and keep possession, and was assured of everything that was bad, by them and those who gave me the advice for not letting them, but as I said, there was that foolish hankering after you, by associations and transactions with my dear old friend and benefactor, that I could not make up my mind to do so; for, although it turned out he did not do me any good, it was not his fault, and I am quite sure no one ever had my interest at heart more than he had. I am sure if he could have told what would have taken place, or had the least idea of it, I should have been well protected from anything you or any one else could have done, to have brought me to the state you have, for I will defy you, or any one else, to say that I ever asked him for a favour in my life, but it was granted; and when I consider the hundreds of happy hours I have spent in his company, and the hundreds of miles we have so pleasantly travelled together, I could almost say to you—do as you like, and behave as bad as you can, I cannot do anything against a son of his, for, although you might think him eccentric

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(which, no doubt, he was), and his conduct not as you could have wished towards you, I can say, no father ever had his son's interest more at heart than he had yours, therefore, for his sake, think of my children and my dear, dear mother, and do not let me lose every tie that still links my best wishes for your family's welfare, for, if you do, God only knows what will be the consequences, and the worst of it is, when once I have parted with ALL THE DOCUMENTS I hold, neither you nor I can stop, the power will be out of our hands to do so in the case you have. I have not hinted at the most important documents, nor ever have I, or any one else, if such had been the case, and they had been placed in their hands, you would have heard from them before now, I can tell you, but with the hope I shall not have to part with them, and waiting your reply,

I am, Sir, yours respectfully,

J. B. RUSH.

Angel Inn,  
Islington, 26th April, 1848.

*P.S.*—I have just received a letter from Felmingham. There is some one put on there for Salter's debts and costs; all that is your doing. When it is too late you will see your baseness, and its true light in that business. Salter told me at first the part you took in it, and it was quite enough for that fiend Clark to act on. But he is like you—he don't know me yet, if he thinks my mother is to suffer for me in that business.

PRISONER then said he wished to have produced a copy of the applications he had made to the magistrates for documents which he required to make use of at his trial. He had given notice to the magistrates that for the ends of justice he required certain papers and documents, and it was only right it should be known to the public that he had only applied for what was reasonable, and had met with a refusal.

Mr. Baron ROLFE—What did you apply for?

PRISONER—I applied for certain papers and documents that were highly necessary for my defence. I had a letter from Mr. Cann in reply to my application, in which he says, "I beg to say that your solicitor can at any reasonable time see all the papers in my possession relating to you, and you can have copies made."

Mr. Baron ROLFE—Then you stated what papers you wanted?

PRISONER—Yes.

Mr. Baron ROLFE—Your solicitor had to copy them.

PRISONER—On 3rd March, 1849, I made an application for these papers.

The letter of application was handed to his lordship, who decided that it was inadmissible.

PRISONER—Had these documents been produced they would have counteracted the effects of the evidence that has been given against me. There is a pamphlet, in which the name of Mr. Watson is mentioned, which I should like to be produced, and which I have given them notice to produce. I do not want the whole to be read.

His lordship said that the pamphlet in question could not be read unless it went to show the prisoner's innocence.

PRISONER—I think, my lord, it would, and show in what manner the minds of certain parties have been biased.

# Evidence for Defence.

Serjeant Byles

Mr. Baron ROLFE—You must take the answer from me. I say you cannot read it.

PRISONER—I should like to have it stated that I had a right to be present at the examinations.

Mr. Baron ROLFE—What evidence are you about to offer on the subject? Testamentary or documentary?

PRISONER—Documentary evidence. I stated very fairly in my address to the jury that I had a right to be present, and I should like to have this proved.

Mr. Baron ROLFE—Have you any further evidence to offer? Otherwise I shall call upon the learned serjeant to commence his reply.

PRISONER—I want, my lord, to show the jury that taking the examinations in my absence was unlawful and unconstitutional, and that the magistrates had no right so to take them.

Mr. Baron ROLFE—I will explain the law. What other letters do you wish to offer?

PRISONER—The first is one that I wrote to a person of the name of Tatham, to whom I sold a six-barrelled pistol, more than six years ago, for a gun. I next wrote to a person who would have proved that I purchased the wig upwards of four years ago, and that consequently it could not have been got for the purpose of disguising me for any transaction that might have taken place lately.

Mr. Baron ROLFE—You may hand in any letter you wish to be read.

[The prisoner then handed in a letter from a Mr. Wilkinson and his son.]

Mr. Baron ROLFE—This is not evidence.

PRISONER—Now that these letters to Mr. Jermy have been read, is it not right that the pamphlet should be read also?

Mr. Baron ROLFE—You may refer to any part of the pamphlet you may think proper, but I do not think it is of any importance.

PRISONER—If your lordship thinks it is not of much importance, I shall not press for its being read. I thought that as one part had been read to the jury, it would be better to have it all read.

## Closing Speech for the Prosecution.

Mr. Serjeant BYLES—Gentlemen of the jury, I have a very invidious duty to perform in calling your attention to the evidence which has been laid before you. When I addressed you before I said that it was to be regretted, on the part of the prisoner, that he was not to be defended by counsel; but I cannot help saying now that he has had many advantages he would not have had if he had been defended by counsel; and certainly the present trial has exceeded in the annals of judicial long-suffering anything that

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was ever before experienced. I shall only make one or two observations on the main points in the defence set up by the prisoner, and then I shall conduct you very briefly to that which he seems to consider the main part of his defence. It seems to me that the prisoner has fallen into two very great mistakes. The one is his confounding the conduct and objects of the prosecution—to which most of his observations and most of his evidence has been applied—with the main questions of his guilt or innocence. Now, I cannot help saying that the magistrates to whom has been entrusted your safety, and the guardianship of the county, had in this case a most difficult duty to perform. They had to conduct the examination of Emily Sandford in the presence of the prisoner, and you learn that he conducted himself in such a manner that she fainted, and had twice to be removed. I only mention this to show the difficult duty the magistrates had to perform, with the great responsibility that devolved upon them.

PRISONER—It has not been proved that Miss Sandford fainted.

Mr. Serjeant BYLES—It has been stated by the prisoner that Mr. Cann acted as his attorney, and afterwards as the attorney for the prosecution. That is denied by Mr. Cann, and disproved by Mr. Waugh. With respect to the conduct of the prosecution, it was unusual to give the other side a notice of the evidence to be adduced against them, but in this case the prisoner had been furnished with a copy of all the documents. In addition, the solicitor for his defence had an opportunity of inspecting and examining all the documents and papers, and of taking a copy of such as he might think useful.

PRISONER—I made application.

Mr. Baron ROLFE—I must have you removed if you interrupt in this way.

PRISONER—I must be removed then. I made the application and was refused, and yet he is remarking about my having been furnished with the documents.

Mr. Serjeant BYLES—I shall say no more on that subject. I have stated no more than justice required, and if I had not said thus much justice would not have been done to the magistrates who conducted the preliminary examinations in this case. There is only one other remark I have to offer respecting the mistakes into which the prisoner has fallen, and that is, that he seems to imagine if any variance occurs in the details of evidence, on comparing the statement of one witness with the statement of another witness, or the evidence of a witness with the statement that witness might give at another time, the whole is to be considered as worthless, and ought to go for nothing. Gentlemen, have you ever been on a jury when three or four witnesses spoke to the same fact? If you have, then I would ask, have you not found that, although they agreed in substance, that in the minute and unimportant details they differed? If an accident were to occur on the Castle Hill, and three or four witnesses were to give

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evidence respecting it, you would probably find that whilst they agreed in substance, they would differ in the minute details; and I say that, if they disagreed in describing an accident, how much more are they likely to disagree in a case of such great importance as this, in which an armed man makes his appearance after dark in a dwelling—while terrified with horror, and when a shock of so terrific a description has been given to certain of the inmates—would it not derange the intellectual system; was it to be expected that in minute details they would agree? The question, and the sole question for your consideration, when you come to look at the evidence is, do the witnesses in essential and important particulars agree?

I propose to comment, not on the evidence of three witnesses, but on the evidence of five witnesses, as to the transactions that occurred at Stanfield Hall on the evening of the 28th of November, but before I do so allow me to call your attention for a few minutes to the perfect knowledge that the prisoner had of the house. It is clear that he was in the habit of passing in and out of the house without stopping to knock or ring. I stated to you in my opening address that at one time the Hall was occupied by himself or his dependants, and it now turns out that he had actually bought the house, and that it was his own property for nearly two years.

Now, I beg to call your attention to the direct evidence on this part of the subject. It is now so long since you have heard it that you have probably forgotten some portion of it. I shall be extremely short, brushing away the chaff and coming at once to the substance.

Let us look at what Watson, Chastney, Read, Mrs. Jermy, and Blanchflower swear. Watson is the first witness called, and he says, "I first saw the man come from the direction of the side passage; I was 3 feet from him. He raised his left elbow towards me. I saw him go towards the door opened by Mr. Jermy Jermy." I put the next question to him, and the prisoner objected; but his lordship ruled that it was a very proper question. That question was, who was the man? Watson, who knew him before, knew him then, and was acquainted with his appearance and habits, says, "I believe the man was Rush. It struck me that it was him at the moment I saw him." Now, gentlemen, I could not have carried the case further than that. I did not open it to you, because I could not open what was not in evidence, but the prisoner has put in the depositions, and has enabled me to do so, and you will now have an opportunity of seeing whether Watson's evidence coincides with what he has sworn before the magistrates and before the coroner. Before the magistrates he states that when he saw the man in the passage it was his opinion that that man was Rush, because he was low and stout. Again, when he first saw the man he had a mask on, but, though he was disguised, he felt certain that he was Rush, and he

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feels certain that it was Rush now. What was said by this witness? Now, it was suggested by the prisoner, and in his cross-examination it was hinted, that there had been a dispute between the deceased and him. But this witness, in his cross-examination, was asked by the prisoner, be it recollected, whether he knew of any disputes. His answer was a plain, clear "No, I did not know of any disputes." From what has also been suggested to you, I am bound to tell you that he made the same statement on the very night, before he had heard of any disputes, or before he had seen or heard of anything about the statements made by Emily Sandford. So much for the evidence of the butler, Watson.

Now for the next witness. You remember the next witness. She is one of the unfortunate persons who has been injured. She has been brought into Court and laid before you. I will not go into the whole detail of the evidence further than it affects the prisoner at the bar. To the witness Chastney I put the question, "Who was that man?" The prisoner objected, and my learned friend, Mr. Prendergast, who was examining Eliza Chastney, waived the form of putting the question, and put it in the following manner, "Whom do you believe that man to be?" I do not think her answer will be easily forgotten. It was in two words. Pointing to the prisoner, she said, "That man"; and what did she add? "I had seen him several times at Stanfield Hall; I saw him level the gun at me; I saw him when he turned his head towards the door; I saw him when he looked round where I and my mistress were standing."

So much for Eliza Chastney's evidence. She was also examined as to whether she knew of any disputes. You heard her answer—to the best of my recollection she said she knew of none. In addition to that there was the statement she made before the magistrates, which he was not able to open to them, but which had been made evidence. They had had for the last few days the opportunity of seeing the witness in the most painful position, and would judge whether what she said was right or wrong. She then made this statement, "I noticed that he carried his head a little on one side, which I think cannot be mistaken."

The third witness was Margaret Read. It would be recollected that this witness saw Miss Jermy. Blanchflower had also been called. Blanchflower did not see Read. Why, because she had gone out with Miss Jermy, perhaps to cover her over with straw in the stable for protection. That accounts for Blanchflower not seeing her. Well, what is it that Read says? "I saw a man coming towards me. I was standing in the hall. I saw him coming along the passage. Miss Jermy was running along the passage, and the man was several yards behind. He was then coming with his face towards me. . . . The moment I saw him it was my impression it was the prisoner Rush, and I think so still." That is her evidence. She was also examined

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before the magistrates. She then stated, "He had a loose sort of garment on, either a coat or a cloak with a cape to it." He did not wish to be understood as tying himself to any particular garment, especially after what the prisoner had said in the course of his address about another dress. It may have been a cloak, but we can't tell. Before the magistrates she said she was sure it was Rush; before the coroner she also says it was Rush. She did not for a moment doubt but that it was him. She also added, "I was of that opinion, and I am so still." That was the third witness. I will just call your attention to this point. She was standing in the hall and went away, so that Blanchflower could not have seen her, as Miss Jermy was gone, and Read was gone also.

He had now gone through the evidence of these three witnesses. There was only one remaining whose depositions he had not brought forward to be read, because he did not think it was evidence. But the prisoner had put it in. That was the evidence of one of the sufferers. It was that of Mrs. Jermy.

There is another witness whom the prisoner says we ought to have called. The reason we did not was because she could not speak to the person of Rush; but, as far as her evidence goes, it is consistent with all which the other witnesses have said. But she had only been in the service of the Jermy family six days, and she had never seen Rush, and therefore it could not have been expected she could have spoken of the prisoner. She did not know his person, and therefore she could not speak to it. But this witness says, "I saw a low, stout man, broad shoulders, and no hat on. I passed by his right side; he was coming by the side door." This carries the evidence of others no further, but don't forget that there are four witnesses. I will not say one word more on the testimony of the witness of whom I now speak, but leave it to you, and allow you to judge of its legitimate effects.

PRISONER (*to the jury*)—I hope if you want any explanation upon the depositions you will ask for it.

Mr. Serjeant BYLES—These four witnesses constitute the first division of the subject. But there is another point on which I wish to say a word. If Rush was the man whom these persons saw in the passage, he would not employ any person to write the papers which are found in the Hall. Whoever the man was must employ no amanuensis to write these documents. Whoever the man was, surrounding him with any hypothesis, he would not have left the writing to any other person. That being the case, you may expect me to show you that the hand which wrote these documents was that of Rush, and, if it be not shown to be the prisoner's handwriting, then it follows that Rush is not the man. Now, what sort of evidence is there on this subject? No person can swear to the handwriting of another,<sup>4</sup> but only to

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<sup>4</sup>Of course, this is not so to-day.

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the belief that such and such a piece of writing written by So-and-so—that is, you swear to the best of your belief, and the value of such evidence depends on the source from which it is obtained. It is my duty to call your attention to the evidence on this point—I mean in connection with the papers left in the Hall on the night of the murder. Rush had at one period of his life followed the profession of an auctioneer, and we called a person named Jesse White, who had been employed by Rush. This witness stated that he had not had much communication with the prisoner for some time, but that last year, when Rush had a trial, he had been engaged to copy his brief. He then saw the handwriting of the prisoner in a mass. He copied a portion, I think, if not the whole of Rush's brief.

PRISONER—You do not know if my brief was in my handwriting.

Mr. Serjeant BYLES—Well, it was supposed it was. At any rate, he knew your handwriting from other sources than the brief. You will, however, give the prisoner all the benefit of the observation that it is worth. What did the witness say about the writing found in the Hall? This—"I believe both papers to be in the handwriting of Rush." The prisoner had a right to ask, and he did ask this witness, what made him think these papers had been written by him, and on what grounds he based his statement. The prisoner says a portion of the notice found is in a printing hand. That is so, but here and there it is not so. Look at the letter "J" in Jermy, and the "y"; and, in one or two instances, the little "s" with a loop at the end. And the witness said, "Looking at the general character of the handwriting, which is what I go by—I look at the capitals—I look at the capital 'P's' and the 'J's,' and I believe the writing to have been done by Rush." Now, I have told you that there can be no direct evidence of an isolated piece of writing, but in this case there are other pieces of writing with which to compare these two, and the jury may look at the letters and documents which have been put in, and compare for themselves. They are not in printing hand, it is true, but, on comparison of these larger letters with those documents, you will see the real character of the hand peeping out here and there, and which cannot be mistaken. And after you have used your best endeavours to compare writing with printing hand, even if you doubt, you may then come back to the evidence of the witness, and you all know what that is. It is very difficult, gentlemen, to disguise writing. One man writes at one angle, and another writes at another angle; one man writes with his hand in one position, and another quite differently; and when a man tries to write disguisedly he forgets, or does not even know, which way he writes naturally, and the natural hand passes out and shows the character of it. And here I must beg your attention to a defect in the case of the prisoner. There is a man Glasspoole

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spoken of, who the prisoner said should have been called, as he knew the handwriting of the prisoner better than White. But don't forget the prisoner has not called this person, and therefore it is for you to judge upon the evidence as it stands if the papers found in the Hall are in the handwriting of Rush. There is, I am willing to acknowledge, considerable success in the disguise of the hand. There are a few capitals in it, but there is no witness here who can contradict our witness. Here, then, are two branches of this evidence, and we contend we have shown you not only the handwriting of Rush, but also the papers on which the writing appears were in Rush's possession. What said Mr. Jarrold; he was called, the maker of the books. Rush kept no account with Mr. Jarrold. That is true, but what of that? That is of no consequence, for the books sold by Jarrold, a portion of the set of which the papers found were the completion, were made by Jarrold, and found in Rush's house.

PRISONER—There is no proof these books were ever in the possession of Mr. Jarrold.

Mr. Serjeant BYLES—That may be, but, nevertheless, there is Jarrold's name on the books. I will refer to the evidence of Mr. Jarrold. He says these books were manufactured in sets of three—a ledger, a bought ledger, and a day book. We have found two of these books—two of the set of three, I mean—in the house of Rush. They are the ledger and the bought ledger; and the cover found in Stanfield Hall once formed the cover of the day book. The colours of the paper of these covers found are not the same as the others, but the pattern is the same. I tell you this to caution you, because don't infer that, as the colours of the books are not the same, the covers found are not of the same set with the others found in his house, for, as I said before, they are all of the same pattern, though not of the same colour. If you put these half-covers together, it will be seen what is meant, and that they are a portion of the same set of books. I wish to be particular about this matter, and I will say again, should the covers found in the Hall come from the house of Rush, they are the covers of the day book. The difference between the day book and the two ledgers is shown by the blue lines, which are not in all the books. So we know the day book is missing by the found books. The ledger and the bought ledger we find in the house of Rush; the day book is missing, and the covers found in the Hall are the covers of the day book. The jury may make what they please of the evidence—all of it. We prove the handwriting to be that of Rush. And we find two books of a set of three in the house, and the covers of the missing book we find in the Hall.

What have we got in evidence from Blanchflower? She says the man she saw was a man about Rush's height, shape, and size. Now, it appears from the evidence adduced that the man seen in the Hall was a man not there for the purpose of plunder; the man seen there was like Rush, who had a build like him, who had

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a gait like him, and one who had also a bad will against the family of the Jermys. We have proved this. I ask you, gentlemen, to what do these coincidences lead? You see what we bring before you—the evidence of four witnesses, besides the evidence of the books.

There is also another witness examined, on whom I may make a few observations. I could not have made the observations I am now about to make at a time which is past, but I can now. You know the history of the witness to whom I allude, for it has been detailed in Court. She has sworn, and she is not contradicted, that the peculiar intimacy existing between herself and the prisoner was brought about by a promise of marriage on his part. She was at the time of these transactions in the family way by him, and she has had one child. She told you in plain language she was his tool. She says, in fact, she did everything he told her, and I must say there is a delicacy towards him which is commendable, for she did not wish to be an expense to the prisoner, and was desirous of teaching music for her living.

And I consider a portion of evidence now brought before you is entirely independent of Emily Sandford herself. That is, supposing there is not a word of truth in her evidence. But I think that that young person has made the only atonement she could make; she has made a clean breast of it, and has fairly and fully told everything. I think I might almost invoke, in this part of the case, the prisoner's own testimony. He has said, "Poor thing, I have no doubt that she won't say only the truth."

PRISONER—I have never said so since I heard the depositions read over.

Mr. Serjeant BYLES—I understood it so. But, gentlemen, dismiss from your minds what I have said. Let the prisoner's testimony to her credibility be entirely dismissed from your minds. Gentlemen, I complain not of her. She told Mr. Cann, I think on the Friday night, that if he would look in a particular closet below stairs he would find a hole in the floor, and in that hole in the floor he would find some papers. Mr. Cann did look in that hole in the floor, and produced therefrom the cashbox and the papers. I say that is—and I said it before—that is a circumstance that is corroborated by the fact. The prisoner said more than once that that hole was made afterwards.

PRISONER—Made afterwards! Did I say made afterwards?

Mr. Serjeant BYLES—I certainly understood you so, and understood you to make an imputation upon Mr. Cann and upon her.

Mr. Baron ROLFE—The expression was, "The parties manufactured a secret place, and placed those papers there for the purpose of making a case against me."

PRISONER—The cross-examination of Emily Sandford was, that "it was formerly a place for secret evidence, but not at that time."

## Closing Speech for Prosecution.

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Mr. Serjeant BYLES—Gentlemen, you have heard her cross-examined at a length to which, never in all my experience, did I hear any witness, either male or female, examined. She was in that box thirteen hours, of which nine or ten were occupied in her cross-examination. She has been sifted most thoroughly, and you must know from that cross-examination whether she was the witness of truth or not. I say she is. I say that what she stated about what took place at Mylne Street, London, is corroborated by written documents.

PRISONER—That has not been disputed.

Mr. Serjeant BYLES—We say she is correct respecting the hole in the closet; and we say she is correct, I was going to say, by the prisoner's own testimony.

PRISONER—Not about the closet, but about Mylne Street.

Mr. Serjeant BYLES—Was anything said in objection at the time she was brought to Stanfield Hall, and was put in the servants' pantry, and kept there from three o'clock in the afternoon till twelve at night? There is a long cross-examination afterwards; has that shaken her testimony? I will not say a word about it. It has confirmed her testimony, I think.

Now, gentlemen, I shall have to call your attention to the story about the lawyer, and Dick, and Joe; and you will see how that will melt away in the sunshine of poor Emily Sandford's evidence. She was examined by the prisoner, and I think he elicited all that was said. I shall not take her testimony in the order in which she gave it, because that won't be so clear as to take it chronologically. I observe in the cross-examination that something came out that did not come out in the examination-in-chief. In her cross-examination, after saying the prisoner used to go out of a night, she said her words were, as near as I could take them down, "The first or second time you were going out at night I caught a glimpse of you. You had your hat; something that looked like a cloak; and something coiled up in your arm; it was very dark." She said he was in the habit of going out, and one night she did catch a glimpse as he was going out. Gentlemen, that he was in the habit of going out in some sort of disguise appears pretty clearly from his own statement in another part. Then allow me to call your attention very shortly to what Honor Holmes said about that matter. She said, "I have seen a person about the house before that time." I speak from memory. "I have no doubt I saw a figure some 300 yards from the Hall, in a dress which appeared like a cloak, and with a light—a lantern." It is for you to say whether or not that does not tally with Emily Sandford's statement, that he had gone out before; and that on those former occasions those footsteps were directed towards Stanfield Hall.

Now, gentlemen, we come to something to which it is important you should pay attention. That is, to what occurred on the Friday night before. Now, gentlemen, what did he do? At four or five

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o'clock he had gone to the Ketteringham lodge, kept by a man of the name of Bailey. They had a conversation about some corn, and then he put some questions about Mr. Jermy. He made two observations that were well founded. Some of his observations have been very acute, but he has not addressed himself to the point. He said, "Had I intended to do anything to Mr. Jermy, should I have gone to the lodge to cause a suspicion?" That was a very natural conclusion. Why did he go about the corn? It was a debt that had been long forgotten, and it could have been brought forward with no object. I will say, according to my instructions, that he went to ask whether Mr. Jermy was at home. He began about the corn, and closed by asking about Mr. Jermy. You will judge if this were not the case. Sometimes a lady in the postscript of her letter puts the most important matter. We say that the conversation about the corn was a blind. The real question he desired to put was, is Mr. Jermy at home or not? The real question is whether he had gone on Friday night to Ketteringham lodge to see if Mr. Jermy was at home. He wrapped up the real question in that of the corn, in order to ascertain what he deemed far more important, whether Jermy was at home or not. He looks out at the front of his house and he says, "This is just the night for those rascals," meaning those poachers. This is the evidence of Emily Sandford: "He wanted some spirits for his tea. He gave me some letters for his son. He told me to put out my light and to go to my room, and to let him know when James went out of the gate." She was to go when she heard the rattle of the gate. "When he came in he said to me, 'Step into your own room for a moment.' I did not see him. I was there a quarter of an hour in the dark." The prisoner's own story is that he was out on that Friday with the lawyer and other persons; corroborating the evidence of Emily Sandford that he was out.

But here was something else that occurred on that Friday night. "He got up in the night and said, 'I am afraid I have lost something.'" He got out and found his keys, and, unlocking the closet, he searched inside, and then said he had found it. What that was we may conjecture, but we don't tell you. I ask you what he was about on this Friday night? Is it consistent with the story about the poachers, or with the story he himself has told you, or with that which, we say we think, is alone the fact?

Now, I will pass over a great part of the evidence till I come to the Tuesday night. I don't think anything particular appertains to the story about burning the papers. We thought it right to lay that before you, but I don't think it is material. I will pass over the intervening time till the tea-time on the Tuesday. He sits down to tea. He appeared unwell, and Emily Sandford says, "There is something more than the poachers." He says, "There is something more, but if you don't wish to know it now

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I will tell you another time." He says, "How many times have I been out?" She says, "Five or six," and he replies, "I shall have only to go two or three times more, and then I shall succeed." He alluded to the story of Bruce. "You recollect the anecdote of Bruce; he succeeded the seventh time. You recollect Bruce's watching a spider making several attempts to get to the wall. It tried six times and failed, but succeeded the seventh, and I shall succeed the seventh," or words to that effect. Then he goes to his room, prepares as before, and goes out at half-past seven. There is a fire in his room at three o'clock; that fire is nearly out. He goes, and is out from half-past seven, and, she says, returned at nine or half-past nine. I was not aware she said she went to bed at nine or half-past nine.

PRISONER—She did in every case.

Mr. Serjeant BYLES—As near as I can tell, she says, "He went away at half-past seven and returned at nine or half-past nine."

PRISONER—I don't think that she said at half-past seven once.

Mr. Serjeant BYLES—Gentlemen, my notes are taken short to assist my memory, and I did not take the exact words. I must call your attention for a moment to his behaviour after he returned. He goes up to his room. She does not see him. There is some reason for that, which has to be explained on some hypothesis or other. She says, "He came down again; he had his shoes on. He had, I presume, boots or shoes on when he went upstairs, by the noise. He appeared very excited, pale, ill, and agitated. I asked, 'What was the matter; has anything happened?' He said, 'Nothing; if anything is asked about me, say I was only out ten minutes.'" Now, she does say so at her first examination, and he cannot complain of that, because it was stated at his desire. "If any inquiry is made for me, say I was only out ten minutes." I have no doubt that that was a true statement of hers, and that he really would request her to say so. I won't trouble you with anything more but what I consider the facts of the case. She goes to her room and she falls asleep. About three in the morning prisoner went to her door. The policeman said that he went about that time and heard the barking of the prisoner's dog, and that was the first time, perhaps, that he knew he was surrounded by the police, hearing the dog.

PRISONER—I must quote her words: "From the time of the prisoner's coming in to tea and going out afterwards was an hour and a half. He was upstairs half an hour or twenty minutes. I will swear it was nine or half-past."

Mr. Serjeant BYLES—Gentlemen, I have had more experience in Courts of justice than the prisoner, and am well aware that you can't depend upon small differences in time; but what are the main facts of the case? Neither in this nor in any other

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case ever brought before a Court of justice——[here was interruption from the prisoner]. We shall never conclude if we are lost in these digressions. She went on——

[Prisoner again interrupted the learned serjeant, when Mr. Baron Rolfe threatened him with removal.

Prisoner promised to be quiet if allowed to remain.]

Mr. Serjeant BYLES—It gives me great pain to make these observations, but we only represent the public. The guardian of the public is the law of the land. That guardian is powerless unless juries do their duty. I will endeavour to explain it, and I will not improperly use any portion of the evidence. The prisoner came to her room. “He said, ‘You must be firm, and if any one asks you how long I was out, you must say only ten minutes.’ I asked what had happened. He said, ‘Nothing,’ or not much—‘you will hear more in the morning,’ and he said something about Stanfield Hall. He said, ‘You tremble very much,’ and he put his greatcoat on my bed. I said, ‘For God’s sake what is the matter?’ I felt his hand shake. He replied, ‘Not much.’” Gentlemen, she was cross-examined a great deal on one circumstance about what was not before said. She said, “It appears that on one of the occasions he came into the bed.” You will say whether, considering all these circumstances, her not mentioning a fact of that kind in a Court of justice ought or ought not to detract from the credibility of her evidence. There is her evidence of how he had gone out two or three nights. Gentlemen, he has supplied what was wanting; he has stated that he did go out, and that he went out by the path that we say he did. He went out on two occasions, though not to, yet towards, Stanfield Hall, and so far he again confirms her testimony. But, gentlemen, there is a portion of evidence about the 28th of November to which I would call your attention. You see that on Friday night he made inquiries. What did he do on Tuesday night? He was seen in the drive by a person named Cooper. He asks her, “Do you belong to the Hall?” She says, “I don’t; but I’ve been to the Hall.” “Are the Jermys at home.” She says, “Yes.” She then goes towards the gate. On the very same night we find him not making inquiries at the Wymondham gate, where he was seen and known, but of a stranger.

PRISONER—That is a mistake.

Mr. Serjeant BYLES—Savory says he saw him at the other side of the bar, and it appears that he was seen that evening on both sides, and afterwards he inquires of a person to whom he had ascertained he was a stranger respecting Mr. Jermy. Afterwards on the same evening he goes out, as described by Emily Sandford, at half-past seven o’clock, and this account agrees with the statement given by another party, who says he was at the boundary of the estate about that hour, and he heard the alarm bell ring and the shots fired. The statement of the prisoner

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himself, too, showed that the murder was committed at about eight o'clock. You have heard his remark to the police as to the time. It is true that the statement of the police, that he had a suspicion he had heard some one mention the time, in some degree detracted from the evidence given with respect to this statement, but it was not of much consequence, as the statement of the prisoner removed the necessity for it.

There is one observation which my learned friend has just reminded me I have omitted which has reference to the books that were found. The evidence with respect to the finding of these covers was given, you will recollect, on Saturday. It was then clearly stated that only two books were found in Rush's house, yet, notwithstanding that he has heard our solution of the facts of the case, and that he has since had ample time, he has not given any evidence as to what has become of the third book which formed the set. Now, you have heard the evidence of Mr. Drane, and I will call your attention once more to it. You need not fear that I am going through the whole of the evidence, as it is only my intention to remark upon one or two of the most important points. No person saw the prisoner leave the house, but we may say the probability is that when he did so, at half-past seven o'clock, he went in a direction nearly straight from Potash to Stanfield Hall. You have heard, I say, the evidence of Mr. Drane. He states that he would have to cross several gaps and go through gates. It was dark when Rush passed by this way, and he wanted to make it appear that it was difficult at such time to pass that way, but we have called a witness named Colman, who says that he had seen Rush pass in the direction from the Hall to the Potash farm by this way in the dark, and that on accosting him he said that he had been to the Hall. And, according to the statement of the prisoner, the persons to whom he refers by the names of "Joe," "Dick," and the London attorney would have to pass by this way.

PRISONER—I did not say so.

Mr. Serjeant BYLES—He says that they went between the boundary of the two estates, and he has not suggested any better or shorter route to the Hall than the one I have mentioned. We know from his own statements that persons could go over this tract at night, and that some persons did so on the very night of the murder. Something has been said to you about the straw, and I will call your attention to the evidence on that part of the case directly. I have told you that the littering of the "loke" by itself amounted to nothing, as they might be in the habit of doing so; they were also in the habit of littering one part of the bank. The evidence upon this part of the case is that of the boy Smith, who is in the employment of the prisoner's son, and he says that on the day of the murder the prisoner desired him to litter that portion of the bank as he had done before, and he says that he thinks that he scattered fourteen forkfuls. According to the evi-

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dence of the boy, the straw did not go to the end of the field; but, according to the evidence of the witness Futter, it did extend to the end of the field, excepting to the gap, and that at the corner near the gap there was a lump of straw laid. Now, what did the prisoner want with straw upon this part of the track? Why, it would enable him to pass to the boundaries of the farm, and then he would be on the grass in front of Mr. Jermy's house.

PRISONER—That is not the fact. You are not stating the truth, and I feel assured you would not say so if you knew the locality. The first field after you get out of the Fifteen Acres is a ploughed field.

Mr. Serjeant BYLES—There is a gap between the Twenty Acres and the Fifteen Acres, and it was the bank in the latter field on which the straw was laid, and it is the only bank on which the footmark of any person passing from Stanfield could be seen. There might have been footprints made, and this is highly probable, and it may account for the fact of a pair of boots being missed. You have heard, gentlemen, that there were four pairs of boots belonging to the prisoner, and I wish to call your attention particularly to this part of the case, because it is highly important. I will show you that a pair of boots are missing. Only three pairs have been produced. Emily Sandford says that there was one pair in the prisoner's bedroom. I think she says a thick pair that came up to the ankles, with a strap behind to draw them on. There was also a pair of thinner boots with a strap behind to draw them on, and these have been produced. There was also a pair of patent leather boots; that is the third pair, and there was a high pair of boots, higher than Wellingtons, coming up to the knee. These were the four pairs of boots spoken to. Now, let us see the evidence upon this part of the case. The "shining" boots or patent leather boots have been accounted for; the second pair he had mentioned are accounted for; and the boots that came up higher than the Wellingtons are likewise accounted for; but where is the fourth pair—the thick boots with the strap behind? Now, observe, two pairs of boots were produced here, which are the only boots found, except the high ones, and these two pairs were shown to Emily Sandford, and she says they are not the boots the prisoner had on that night. Where are these boots? No boots of the kind have the police been able to find. There is no doubt that such a pair was in the prisoner's possession on the night of the murder, because he has stated in his address to you that he kept a pair of boots in that room, which I understood him to say he would produce to-day. Now, I have said that there might have been a footmark made on the night in question, and consequently it is extremely important that the boots which made these marks should not be found. However that may be, they have not been found, and whether they have been secreted, or whether they have been consumed in the large fire lighted by means of the patent fuel kept under the bed,

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I cannot tell you; but this much is clear, that for some reason or other the boots the prisoner went out in on that night have not been discovered, and must have been secreted somewhere or else been destroyed. He says that he followed the three men he has alluded to, but, if so, that would have been no earthly reason why he should have destroyed the boots. But if he went alone, and he was apprehensive that his footmarks might be seen in some part of the footpath or track from which the straw was absent, that would be a good reason why they should be put out of the way.

There is another observation arising from these boots which I should not be doing my duty for the prosecution were I to omit. You know that it has been stated that prisoner, the next day, on being apprehended, said to Emily Sandford and the boy Savory, "You can clear me of this; you know that I went out in my slippers." Now, however, it appears that when the prisoner used these words he was stating that which he knew was false, because he himself has acknowledged that it was so. He now says that he went out in his boots. I fear I must add, and his own story shows it, that when he left his house at this time he went in the direction of Stanfield Hall. One word respecting the clocks. We have had the evidence of three persons respecting the clocks, and they all agree in showing that that at Potash was faster than the one at Stanfield Hall. Emily Sandford says that it was faster than the railway time; and Futter, though he very stupidly failed in explaining himself, also deposed to this fact. Now, if you believe this evidence, and I do not see that it admits of a doubt, then it proved that a quarter of an hour more time was afforded the prisoner to pass from Potash to Stanfield Hall.

I must make one other observation. What instrument were the murders committed with—was it a gun or was it a pistol? I do not know, nor do I consider it material, but the probability is that they were pistols that were used on that occasion. The police officer Pont had remarked to the prisoner, "You had pistols," to which he replied, "I had once, but have not any now." It might be so, or it might not. I will call your attention to another expression made use of by the prisoner, "If I had been there should not I have been seen by Holmes, Clarke, Leach, and the young men who were with them on the outside of the Hall and heard the gun?" The prisoner's own story had disposed of that, for he has said that he did not know how many there were.

PRISONER—I have not said they were there.

Mr. Serjeant BYLES—Now, he would ask, was it less difficult for two, four, six, or seven to escape without being seen than for one to get away in the dark without being observed? They would recollect that it was a dark night. Was it not, therefore, more easily to be understood that one should escape than a larger number? There was another observation which had been made. It has been said by the prisoner, "If I were the man, should I

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have gone in by the side door?" That observation deserves your attention, as it strikes me. A person kills Mr. Jermy in the porch. It was natural to suppose that, upon the alarm being made, the servants in the hall and the persons in the parlour would run towards the front door, but it appears that young Mr. Jermy ran towards the back door, probably much alarmed, and to summon the servants. But whoever it was who shot Mr. Jermy knew that there was a side door, and, probably anticipating that all would go towards the front, sought to gain an entrance on the side, and so be at back of the parties. But there was another reason. "The paper said there were two of us." Now, one man, knowing the premises, could give it the appearance of there being two, and that would be strengthened by shooting at one door and then going in at another. Those papers were doubtless thrown down for the purpose of preventing the servants from going to the place where the murder was committed. There was no doubt inferences and motives to be drawn—more or less obvious, more or less just. Now, the story which the prisoner has told I heard but imperfectly. It was read, and the paper containing it was handed to his lordship. I heard of that statement to-day for the first time. When the prisoner was before the magistrates his defence was that Emily Sandford's story was untrue. Now, the story he told us was that he had been consulted by a lawyer—with Joe and Dick; that he had been conversing with them on his own premises; that he had been on the confines of his own premises; that he had heard a shot; heard the alarm bell; and that he had then gone home. You was told what was the state of his mind when before the magistrates. You have heard no such defence as that was set up. On the contrary, you know, by the statement of Mr. Pinson, he said to Emily Sandford, "I wish, if she signs that deposition, her hand may drop off."

PRISONER—That related to the papers.

Mr. Baron ROLFE—That related to the papers.

PRISONER—Thank you, my lord.

Mr. Serjeant BYLES—But Emily Sandford was examined so many times, three or four, I think, that I may have been mistaken. Drop what I have said from your minds—do not let the prisoner be prejudiced in your minds with it. I say before the magistrates, according to the statement to-day, the prisoner knew the facts and knew the guilty men.

PRISONER—I did not.

Mr. Serjeant BYLES—He knew about them. He had seen them—one at the back of the Swan, and the other, Dick, he had seen leading a horse; but before the magistrates he had not dropped one word about it.

PRISONER—I had no business to do it. I had no business to accuse others, particularly when I saw how you were serving me.

Mr. Serjeant BYLES—It was difficult to know the intricacy of the human heart—who could know, and it was said he had no

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inducement. We have put in an agreement, signed by the real claimants; these claimants have been called before you. They were Thomas Jermy and Larnar, one an old and inoffensive man, and he could not write. I only put one question to him, and in answer to that he said he could not write. I put those men into the box. If they had been the men, why did not the prisoner ask them a question? But there was something beyond that. The paper found in the Hall was signed "Thomas Jermy," the owner. Thomas Jermy had been placed in the box. He can't write; therefore he could not have written that paper.

PRISONER—That is all in my favour. I must have known that, and should not have put his name to it, but put his cross.

Mr. Serjeant BYLES—He said he could not write. That was all I asked him. While I am on this point I will state I have not forgotten a written agreement which has been put in signed "Jermy" and "Larnar," by which Rush was to have a lease of the Felmingham farm. Who was the lawyer spoken of by the prisoner? He did not know him, nor had he even asked his name. It was dangerous to ask the lawyer's name, as there was a big book, which grew bigger and bigger every year, called a law list, and had a name been mentioned it could very easily have been found out. Well, who was Jermy? Who was Larnar? Who was the lawyer? If they recollected, it was suggested that Jermy and Larnar were the claimants, and were therefore to be suspected; but how could that be consistent with that paper—this paper signed "I. Jermy"? There could be no doubt but that it was a forgery.

I produce a cloak; reference has also been made to another cloak, but there was no doubt but that the prisoner was in the habit of going out in a disguise, which I think is strong evidence against him. You also heard what he said about the production of a pair of boots. He did not produce those boots. The prisoner also said he had a blue frock, which he was in the habit of slipping on of a night to go out with, in order that he might be taken for one of the labouring classes. That blue frock, the prisoner stated, had been worn by him on the night of the murder, and he had buried it in the yard. It may be so or it may not. The cloak he produced might be the cloak, or it might be the blue frock. But the frock had not been produced. But why hide it in the yard? There have been other disguises in the house, and he has been in the habit of disguising himself. In the closet there was a large dress.

PRISONER—That may have been my wife's.

Mr. Serjeant BYLES—There is also a wig and large whiskers. That was left in the closet. Why, he would leave it to the jury to infer. These are some of the leading facts against the prisoner. There have been four witnesses called, who gave direct evidence; but there was other evidence which he had called, and to which he would briefly allude. I have called into the box a

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young man—you will give what weight you please to him. I do not desire you to place too much weight to it. You have heard what has been said against him, therefore they could do as they pleased with it. I leave it to you. The only observation I have to make on it is this, that it did not appear clear what were the words used. If it is not of sufficient weight, dismiss it at once. I will only mention that if you do not accept that, there is the evidence of Bacon, and they had heard what he had said as occurring in October, 1847. Then the prisoner had put in a letter in evidence. It was one to his son. I will not read it entire, but I will call your attention to it.

[Mr. Serjeant Byles then quoted that portion of the letter in which Rush calls Jermy a villain, and says he has it in his power to ruin him. The learned serjeant also read another letter put in by the prisoner, as one he had written to the late Mr. Jermy, on the 26th of October, in which he threatens to serve Jermy with the same coin as he had been served with.] I do not rely so much upon that. It is clear that the prisoner has forged Mr. Jermy's name to documents. They have all been laid before you. The writing is very like Mr. Jermy's, but it is proved not to be his. They are witnessed by the girl Emily Sandford. Now, the first time that he had asked this young girl to do this was at Mrs. Stacy's. What took place on that occasion? Why, he said I shall come after dinner and bring you some dessert. [The learned serjeant then detailed what took place between the prisoner and Sandford on that occasion.] These documents, forged as they were, could not have been produced during the lifetime of the late Mr. Jermy, or of his son, or, perhaps, of his wife; for it is the fact, I believe, that that lady had been present at the last interview of Mr. Jermy with the prisoner, and when it would have been presumed the forged documents were signed.

PRISONER—That has not been stated.

Mr. Serjeant BYLES—I believe it is the fact; but we have been obliged to catch up a great deal of the case as we have gone on. Then I say from the bad feeling shown by the prisoner towards Mr. Jermy and his son—looking again at his own state—for I grieve to say the prisoner had no property, as he was about to be turned out of the farm—seeing that the object of the forged documents could only have been effected at the death of Mr. Jermy, of the younger gentleman, and also perhaps of his wife, what are we to think—what conclusion can we draw? Then, again, the murderer, whoever he was, did not shoot the daughter of Mr. Jermy, nor did he kill Chastney; that was fortunate—that I will say for him. I have now gone through the evidence, and it is for you to say whether we have succeeded. We are not bound to lay before you any motive beyond that which may be detailed in the principal evidence; but there is a motive, and that can be easily seen. Crime, and great crime, is the highest



The House in Mylne Street.



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sin which human nature can offer against society. Crime could not be committed without motive, and I think the jury will not find it difficult to discover a motive for the crime charged against the prisoner. Bear in mind that many of the greatest crimes are committed in secret, and it is not always that offences can be detected, and their detection is often effected by circumstantial evidence. Gentlemen, these are the facts of the case. Look around and see if any suspicion rests on any other person. I know of no other person on whom suspicion can fall beyond the prisoner but Jermy or Larner. Both these persons have been put in the box, and can it be said that they are the guilty persons? But I will say no more on this matter, and I will only add to you, as jurymen, do your duty and pronounce your verdict.

### Summing Up.

Mr. Baron ROLFE then proceeded to sum up—Gentlemen of the jury, your decision in this case, which you have now heard so much at length, must be founded exclusively and entirely upon the evidence you have heard detailed. The evidence of the case, I say, you have heard, and therefore you are acquainted with the facts. First and in brief you are here inquiring into the murder of Mr. Jermy, and under what circumstances that gentleman met a violent death. Much of the evidence you have heard within a few—two or three days, but in order that there may be no doubt on any material point, and as questions may turn on the particulars connected with the death of this gentleman, I will briefly call your attention to the witnesses who have spoken to the attendant facts. The first witness of whom I shall speak is James Watson, the butler. From him you gain a knowledge of the habits of the family at Stanfield Hall. He says the dinner hour was usually six o'clock, and that it was a habit of the elder Mr. Jermy, after sitting after dinner, to go into the porch in front of the house for a few minutes, and then to rejoin his family. The testimony of Watson when speaking of the murders is to this effect. He says—I will give you this in brief—"I was in my pantry at about a quarter-past eight o'clock. I heard a report as of a gun come from the front of the window near the porch. I went out of the pantry 5 or 6 feet, and then I could see through the door to the staircase hall. I saw a man coming from the direction of the side door. When about 3 feet from me the man moved his hand. I saw him go into the staircase hall. Afterwards I saw the door opened by Mr. Jermy Jermy. I then saw the man in the staircase hall. He fired a pistol, and Mr. Jermy Jermy fell on the mat. I then went back into my pantry. I heard a woman's foot and a scream. I then heard two other reports. I came out of my pantry again, and I saw Mrs. Jermy

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running. I saw Chastney, the housemaid, lying in the lobby. There are marks of shot against the wall. I dragged Chastney to the back staircase." Then he says afterwards that he went to the house of Mr. Gower and obtained assistance. Watson also says, "I saw the man drop a paper or papers," and he also says, "I saw these papers picked up." Then he says in his cross-examination, "I did not pick up the papers myself."

PRISONER—You have omitted that part where Watson says he saw the man turning the corner.

Mr. Baron ROLFE—I have not got that on my notes. The jury perhaps heard the observation, and they will doubtless remember what was said. This James Watson also gives some slight account of the murder the jury are inquiring into, namely, the murder of Mr. Isaac Jermy. He states that the body of that gentleman was found in the porch. He saw the body found. He also says the man he saw was short and stout, and that he had something over his face. The light was not strong, but still enough to observe the gait of the man. He also says he believes the man he saw in the passage to be the prisoner Rush. Such is the evidence of James Watson. You also heard yourselves what the witness said. Weigh that evidence. The next portion of the evidence to which I shall call attention is that of Eliza Chastney, the housemaid. You will, of course, not fail to observe that this witness does not describe the shooting of either the Mr. Jermys—father or son. She says she saw a man coming out of the staircase hall, and she was shot herself in the hip, and Mrs. Jermy was shot. Although Eliza Chastney was not a witness to the death of either the elder or younger Mr. Jermy, yet she gives you some important evidence as to who she believes the man to be that she saw in the staircase hall. Two witnesses have now been examined. Then we have a third witness, Margaret Read. There was time, she says on her cross-examination, between the first and second reports, as they were heard, for a person knowing the premises to go round from the porch to where Mr. Jermy, jun., was shot in the staircase hall. I have now detailed to you the evidence of three witnesses called by the prosecution, the facts as they happened at the time, which facts are now further confirmed by two pieces of evidence put in on the part of the prisoner. I allude to the depositions of Mrs. Jermy, the wife of Mr. Jermy, jun., and also the evidence of Maria Blanchflower. The last witness was examined by the prisoner himself.

They had now an account of five persons who were, more or less, witnesses; in addition to which there was the testimony, not unimportant, of Edwin Hart, a young man who was called early on the Friday, who told them he came from Wymondham, and got to Stanfield twenty minutes after eight, and when he got there two others and one of the servants came there, and afterwards another. A little while after they came to the gate they met Holmes, and after they got through the gate they heard the report of a gun.

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Baron Rolfe

Now, Honor Holmes was one of that party, and was also called, and her account differed from that of Hart's, but there was no great difference. She did not hear the first report, and, instead of going 45 yards, she went about 145 yards, when she heard the bang of the door, and when she got 240 yards she heard two other reports, one after the other. It seemed perfectly certain that only four shots were fired, and it was perfectly certain that the difference between those two witnesses only proved what was invariably the case, that such witnesses never entirely coincided. One said 45 yards, the other 145 yards, and a third 240 yards. None of them meant to deceive the jury; all they meant was that one thought it a little more and the other a little less. Was that important? In such a state of horrible excitement should they look for great presence of mind? It was quite clear that even when there was no excitement there would not be exact agreement. It was quite clear that there was a violent report, and that all were excited. The one that had his eyes towards the hall saw a figure passing—that was very extraordinary—and that attracted his attention. Other evidence was as to how the body of Mr. Jermy was found at the porch where the shot had been heard. The body of Mr. Jermy, and the son, were both examined, and from both were taken a number of pieces of lead, or large shot flattened, or slugs. His lordship believed a great number had been taken out, but there had been produced two taken from one body, four from another, and four or five more that had been picked up, and they were all exactly alike.

Now, what did they infer from all that? What other evidence there might be, whoever shot Mr. Jermy, jun., was equally the murderer of Mr. Jermy, sen. It was indeed a possible hypothesis that the hand that shot Mr. Jermy, jun., might not shoot Mr. Jermy, sen.; but, even if it were not the same person, they must be confederates, and all would be equally guilty. It would be impossible for two to come together without a common purpose, and one shoot one and the other the other. Such a thing was too absurd to be entertained for a moment. But the fact was, the shot was exactly alike, and proved to demonstration, so that there could be no doubt that Mr. Jermy, jun., was shot by the same man that shot Mr. Jermy, sen., and by the man that was in the house.

He would not go through the evidence fully on the subject, but it would be clear to every one's mind, for by what process could they arrive at any other conclusion than that the man who shot Mr. Jermy, jun., must have shot Mr. Jermy, sen., whose death was the subject of the present inquiry. If that were the case, there remained only one question, who was the man who shot Mr. Jermy, jun., and the senior Mr. Jermy? The prosecution said the prisoner did. That was the point they had to try. In order to show that the prisoner was the man, the first evidence was the same as he had already called their attention to. In call-

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ing their attention to what this evidence was, he would direct them first to the evidence of Watson, who said, "I saw a man drop a paper. That man was stout and low in stature. I could not see his face, as he had something over it. I can't say what it was. There was light enough to see his general gait, and it struck me that he was the man. He had a large cloak on, but I can't say what colour it was. It was long enough to cover his other garments. He had two weapons. It struck me at the time that they were large pistols."

His lordship then read over a part of Watson's cross-examination, in which he differed slightly as to what he had first said about the man's turning the corner. Chastney, in speaking of who the man was, said, "I saw the head and shoulders of the man; his head was flat at the top; his hair stood up; he had high shoulders; and I formed an idea who it was, and I cannot say I then doubted who it was." On being questioned whom she meant by the man, she pointed to the prisoner. Watson had seen him several times before, and the first time he saw him it was in the passage.

His lordship then read Watson's description of prisoner's person, and in his cross-examination he stated he believed he could not be mistaken as to the person of Rush, whom he had known from the previous Christmas. Here, then, they had four persons who said they were confident prisoner was the man. The fifth had never seen him before, and therefore could not say exactly, but thought he was. Now, they had the fact, that the man had murdered Mr. Jermy. Here they had the fact that four who knew the prisoner were positive as to their belief that he was the man. Now, that certainly was very cogent evidence. At the same time, there were some observations to be made. The very observation made at the conclusion of the evidence ought to make them very cautious. There was no sort of evidence that ought to be more cautiously received, or more often proved unfounded than the identification of a person where that person was a stranger, and he remembered a man being convicted for the murder of a policeman, and it turned out that he was not the person. It was far easier to distinguish one they well knew, by a single glance, than one whom they did not know, for unless they had something to call their attention to the stranger they would not observe him very closely, but one whom they knew they hardly wanted to see for a moment. Why, would they not recognise their own children by a single glance? He had known many instances where there was a degree of confidence that did not admit of doubt. Now the question was, whether those persons had a sufficient knowledge of Rush, and a sufficient opportunity of seeing him. They knew him from the frequency of his visits at the Hall.

PRISONER—Chastney did not say so in her examination by the magistrates.

Mr. Baron ROLFE—There is no contradiction in the evidence.

## Summing Up.

Baron Rolfe

What she said to the magistrates is in evidence here, and the only way in which you can affect her evidence is by showing that the statement she then made contradicts what she has now said.

PRISONER—Watson says, “ She did not tell me how she was shot, nor how it was.”

Mr. Baron ROLFE—Supposing all that to be true, it would not signify. That being so, there were four witnesses who expressed the same strong opinion that the prisoner was the man, and they were to see what weight was to be given to the testimony of these persons. If that testimony was quite satisfactory, of course, all further inquiry would be rendered unnecessary. But testimony of that kind could never be wholly satisfactory, and consequently it became necessary for them to ascertain what really was the evidence that had been offered. He would advise them not to pay much attention to the difference between the use of words such as “ I believe it was the prisoner ” and more positive expressions. All they knew was the confidently expressed opinion that the prisoner was the man; and it thus became very important to see what other evidence there was; whether there were circumstances consistent with his guilt and inconsistent with his innocence. Now, in order to show that Rush was that man, he proceeded to notice the evidence mainly relied upon. Rush was at this time living at Potash farm, and on the day in question his son and his son’s wife were absent, and there was nobody in the house but the unfortunate young woman, Emily Sandford, who had been examined, and the boy Savory, who was a farm servant, and had been called. Now, the nature of the evidence was this—On this night, and at the very time when the murder was perpetrated, the prisoner, under very suspicious circumstances, had been absent from his house an hour and a half, more or less, returned, under very suspicious circumstances, half an hour after the murder, in a state of great agitation, and in the course of that night told Emily Sandford that she must be firm the next day, and that she must say, if anybody asked her, that he was absent only ten minutes, for that something terrible had happened at Stanfield Hall; that he trembled very much, and conducted himself in the way that a man would do who had committed a terrible crime.

His lordship then read his notes of the evidence of Emily Sandford. On arriving at that part where she said the prisoner went out and returned about half-past nine o’clock, he observed—Now, if he was a guilty man, it was during this interval that he committed the murder; if innocent, he was otherwise occupied. His lordship next proceeded to read the cross-examination of Emily Sandford; having concluded which he continued—The prisoner’s account of his behaviour was that he was moved to tears on reflecting on his behaviour to her, and by thinking in how terrible a position he had placed her, so that he could not take her to the concert. He said that he was touched by her ready

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acquiescence, and moved to tears by the way in which she at once consented to forego her wishes with respect to the concert. She said that on the night in question he went out about seven or half-past seven o'clock.

PRISONER—When you get further, my lord, you will find something else. She said it was an hour and a half between the time I went out and I returned.

Mr. Baron ROLFE said he could only state what he found upon his notes. In her cross-examination it was admitted by this witness that he went twice to her room that night, although she at first said nothing about the second occasion of his going there. It further appeared, in her account of that night, that the prisoner, on going into the room, had talked a great deal, and that, among other matters, they had spoken about the concert. Now, there was nothing in that part of the case which, if standing alone, would be of great importance. From the cross-examination it struck him that he had first gone into her room, and that both had conducted themselves as under ordinary circumstances, and so far thus bore out the assertions of the prisoner, that they conducted themselves as if they were man and wife, and as if nothing horrible had taken place. It was the kind of conversation that would naturally take place between parties under such circumstances. However, it was for them to say whether this was a blind or not, but, as far as it went, it bore out what he had said about the concert. Suppose nothing else had been proved, these facts would not show what he did, but they would indicate that there was something or other which pressed very heavily upon him. If the evidence rested there, the effect of it would be that Mr. Jermy was murdered; that four persons who knew him felt confident, more or less, that Rush was the murderer; that he was out at the time of the murder, and returned home under circumstances which showed a consciousness of something very terrible having happened. From the first moment that evidence was given his attention was directed to watch how the rest of the evidence would be brought to bear upon it, and how it could be explained away, because, as it stood, there were two or three modes by which it could be cleared up. The prisoner might, for instance, have been out in pursuit of a poacher, and might have met and shot him. His agitation so far showed that something terrible had happened, not that he was a murderer; but, coupling it with the fact that he was recognised at Stanfield Hall, it might be difficult to come to any other conclusion than that he was the guilty man, and he seemed to be conscious of this, for he made a statement the object of which was to show that all Sandford stated so far was true—not strictly so, but slightly coloured. He stated that his conduct arose, not from the fact that he had murdered Mr. Jermy at the Hall, but that he knew something was going on, and that he was therefore agitated and alarmed. The prisoner endeavoured to account for his conduct in this manner—

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he said that he knew that something dangerous was going on. He states that he had entered into an agreement with persons named Jermy and Larner, who had been called, and who were claimants to the Stanfield Hall property; they had agreed to let him a part of the property, on condition that he assisted them to recover the whole. They consulted him as to the expediency of taking forcible possession of the Hall, as had been done some years ago; that Dick and Joe attempted the same system that had been so successful before. He says also that he thought a very great deal about it, and on that very night he went into Emily Sandford's room and told her that he had a sort of presentiment that all was not right, that something would happen. Yet he says he had no fear that anything serious would take place. He left Potash, he says, about eight or half-past eight, and made up his mind not to go, as he thought they would not be there until the morning. When he got to the house he stayed about five minutes, when he thought he would go back again, and he then distinctly heard the report of a gun or pistol in the direction of the Hall. He heard two more reports an instant after, and then the alarm bell. He was struck with astonishment, as they had said if they took fire-arms with them they would do no violence. He then got home as fast he could. It was true of his own admission that he was aware of certain parties going to the Hall. That was according to his own account. He heard the shots fired and the bell rung, and then went home without saying anything. If they could give credence to such a tale, of course they would; if true, it did not say much for his morality. He ought at once to have gone and given the alarm. But how did he act on the very next morning? There was nothing said about this tale, nor indeed was it ever heard until that day, except, as the prisoner says, he wrote it out as instructions for his solicitor on the 2nd of January. Was such a thing possible? Why did he not, when taken before the magistrates on the following day, make the statement? He was charged with the murder. Would he not have at once said, "It is not me, but I know who it must have been"? He should have at once said, "It is Dick and Joe, who I knew were engaged to take possession of the Hall." It was for the jury to form an opinion. He was bound to see equal justice done between the prosecution and the prisoner. If he could suggest an explanation he would do so. But how was it? The very morning after the murder he is charged, and did not say a word about what he said had occurred in the course of the night. Now, the evidence went to prove that a murder had been committed—of that there could be no doubt, and four persons came forward and swore that they believed Rush to be the man. It was also proved that he was from home at the time, and that after the time of the murder he was much agitated, and went and said something dreadful had occurred. The next morning he was taken up, but he did not take the least notice of what had taken place. But

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surely, if his tale was true, there would have been some trace of the parties who had been with him? It was said that there were eighty to meet on the following morning. None of them came forward and said they would have been willing to take possession of the Hall, and that none of them knew or were aware of the intention to murder Mr. Jermy. No; the first time the jury had heard of these people was this day. He had watched the defence set up by the prisoner, and had given it his undivided attention, but could not understand it.<sup>5</sup> If they did not see the great facts of the case clear, he should not advise them to rely on the very minute circumstances.

His lordship then alluded to the two papers which had been found in the Hall. He did not mean to say the jury might not reasonably believe them to be in the handwriting of the prisoner; but the fact was only this, that two papers were found, written in a disguised hand, and that the writing in these papers resembled the handwriting of the prisoner. He then referred to the finding of the two books at the Potash farm. It had been suggested that these papers were written on the covers of one of a set of three, of which these books were a portion, which he considered evidence of great importance, as two were found, but still the third might have been destroyed.

Here, then, the whole series of transactions were detailed. Motives may be discovered, nay, they could not but be considered evident. There were documents forged, and it was evident that those documents could only become valuable by the death of the parties then in possession of Stanfield Hall. By the death of Mr. Jermy, his son, and his wife, property, it would be seen, to the amount of many thousand pounds might have passed into the hands of Rush. That, of course, would only have been if the documents had not been disputed. So here a motive was evident.

A few observations more were now necessary to make the state of matters at Stanfield Hall apparent. The jury may understand that there were two claimants to the estate of the Jermys, and there were the old man Jermy, in London, and the other, the person called Larner. The prisoner Rush had been a tenant of two farms. He was a personal tenant of one, and he was also a tenant as executor under the will of his father, who had also been a tenant on Mr. Jermy's possessions. Now, the lease held by Rush expired at Old Michaelmas Day. Up to October last the prisoner was living in lodgings at Islington with Emily Sandford. There he invited Larner and others, and there he entered into an agreement with these persons to put them into possession at Felmingham, where Rush really lived, and, that succeeding, Rush was then to have a beneficial lease of the farm. On these terms Rush was to put these persons in possession.

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<sup>5</sup> Who could?

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Jermy and Larner made this agreement in London. The jury would see that possession was not to be given until after the 11th of October, and after that another agreement was to be made. [The learned judge then read the forged documents to prove the motive that could be traced, and the object to be attained.]

His lordship then read the first depositions of Emily Sandford, and went on to the one of the 4th of December, where Sandford had corrected herself. It was worthy of observation that at that time nothing was said of all the mysterious coming to her room at night. It was very odd that, when she felt herself wrong, and set herself right, she should not have mentioned it. At the same time, he could not help thinking she had been conscious that she had not told all. Let them see how far that affected her credit. She was not examined any more, except in the sense that something was said about the papers. The police went, as they had heard, and she stated to them what she knew about the papers, and when she was brought into the prisoner's presence the following day she repeated it.

In allusion to the contradictions which the prisoner alleged were elicited by the cross-examination of Emily Sandford, his lordship said that he could not observe any discrepancy except that she stated on a former occasion that the signature, "J. Jermy," was on the documents when she signed them, and that afterwards she said she did not see the name of Mr. Jermy, as the paper was folded up. That was all the evidence she gave with respect to these documents. His lordship having gone through the whole of Sandford's depositions, thus continued—He had now called their attention very pointedly to all that that witness had stated, and it became the duty of the jury, looking at the whole of her testimony, and all the circumstances under which that testimony was given—looking at the discrepancy, if discrepancy had been elicited, they must say if they believed that evidence was true. In the observations he had made he had assumed that her testimony was true. To do this they must believe that the three documents to which she spoke had been prepared in the way she described; and in support of this there was the fact that the mortgage on the Potash farm would become due on the 30th November. One of these papers provided that the mortgage should continue for three years longer; another that the mortgage should be cancelled, on condition of Rush putting Mr. Jermy into possession of certain papers; and the third was securing to him a beneficial lease of Felmingham farm. Now, the signatures to these had been proved to be forgeries, and therefore the documents would not have the slightest chance of being made available so long as Mr. Jermy lived. It would be necessary to get that gentleman out of the way. In addition to these things there were one or two matters of minor importance to which he ought to call their attention. It was clear from the

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prisoner's own statement, and from the evidence for the prosecution, that the dress he wore that night had been made away with. He said that it was buried, but he did not say where. The boots also were hidden. Emily Sandford said that they were strong boots, with straps behind to pull them up. These were not found. Looking at these facts, public duty made it their imperative duty to say if he was guilty. If there was anything which led them to the conclusion that the prisoner was innocent, then they must find him not guilty. But at the same time he must say that it was not permitted to any body of men acting as jurors to conjure up doubts, or to say that there were doubts, if from the bottom of their hearts they felt that there were none.

The jury then retired. After being absent about ten minutes, they again came into Court. The jury having answered to their names, the Clerk of Arraignment called upon them to say whether the prisoner was guilty or not guilty.

The FOREMAN—"Guilty."

PRISONER—My lord, I am innocent of that, thank God Almighty.

When asked why sentence of death should not be pronounced upon him, the prisoner remained silent.

Mr. Justice ROLFE, assuming the black cap, delivered sentence: James Blomfield Rush, after a trial, unusually protracted in length, you have been found guilty of the crime of wilful murder—a crime, the highest which one human being can perpetrate on another; the deepest crime under any circumstances of extenuation, but in this case, I regret to say, there is everything which can make it of a still deeper dye; and to make the guilt of it of the most horrible character. It appears, from letters written by yourself, that to the father of the unfortunate victim of your malice you felt that you owed a debt of deep gratitude. You commenced a system of fraud by endeavouring to cheat your landlord, and you followed that up by making the unfortunate girl whom you had seduced the tool whereby you could commit a forgery; and, having done that, you terminated your guilty career by the murder of the son and grandson of your friend and benefactor. It unfortunately happens that great guilt is sometimes, in imagination at least, too nearly connected with something of heroism, something to dazzle the mind. But, fortunately, in your case, there is everything to make vice as loathsome as it is horrible. There is no one that has witnessed your conduct during the trial, and heard the evidence disclosed against you, that will not feel with me when I tell you that you must quit this world by an ignominious death, an object of unmitigated abhorrence to every one. I shrink not from making this statement, not for the purpose of creating animosity, but

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for the purpose of pointing out the situation in which you really stand. To society it must be a matter of the most perfect indifference what may be your conduct during the few remaining days of life that yet remain to you. No concealment of the truth, in which you may still continue to persist, will cast the slightest doubt on the propriety of the verdict that the jury have returned; and no confession you can make will add even a taper's light to the broad glare of daylight that has been disclosed against you. As far, therefore, as society is concerned, the conduct you pursue during the few remaining days of life is a matter of perfect indifference; but to yourself it may be all important. I can only conjure you, by every consideration of interest, no less than of duty, that you employ the short space of time that yet remains to you in this world in endeavouring, by penitence and prayer, as far as may be, to reconcile yourself to that offended God before Whom you are shortly to appear. In the mysterious dispensations of Divine Providence, not only is much evil permitted, but much guilt is frequently permitted to go unpunished. It is, perhaps, presumptuous, therefore, to attempt to trace the finger of God in the development of every particular guilt and crime; but one does delight sometimes in making such investigations; and in this case I cannot but remark that, if you had performed your promise to that unfortunate girl to make her your wife, the policy of the law, that seals the lips of a wife in any proceeding against her husband, might have prevented the appearance of a material witness against you. [The prisoner, here interposing, said, "I did not make any promise."] You have been convicted upon evidence so clear that observations and comments are perfectly unnecessary. Having thus charged you as to the small portion of life that can alone interest you—for all human interest is at an end—I will only add my earnest hope that the only social right that still remains, entire seclusion, may be guaranteed to you; and that neither morbid sensibility to guilt, nor the eager curiosity of the world to pry into the murderer's cell, may be permitted to raise a factitious interest about that in which you alone are concerned. It remains only that I pronounce the awful sentence of the law upon you; and that is, that you be taken back to the place from which you came, and from thence to the place of execution, and that you be there hanged by the neck until you are dead, and that after death your body be buried within the precincts of the gaol; and may the Almighty have mercy on your soul.

The prisoner was then removed.



## APPENDICES.



## APPENDIX I.

### THE DISCOVERY OF THE WEAPON USED BY RUSH.

This extract is from "An Introductory Narrative and a Revised Report of the Trial and Execution of J. B. Rush."<sup>1</sup>

It will be remembered that there was much discussion as to what weapon Rush had used and as to how he had disposed of it. The discussion was closed by the discovery of the gun on 26th May:—

It is often the case that that which we seek at a distance is found near home. Such has been the fact with regard to the weapon supposed to have been used by Rush. We have stated the chief constable had Potash farmhouse searched—the lands ploughed and dug—the pastures pierced—the ditches, pits, hedgerows, &c., examined, and, as we are told, the manure in the bullock yard turned over as far as possible, notwithstanding frequent cautions and hints from Mr. Rush, jun. On Saturday, May 19th, when the yard was clearing by the directions of Mr. Rush, jun., underneath the muck, close against the wall of the bullock shed, a double-barrelled blunderbuss was found by a workman named Burgess, by which, it is now placed beyond moral doubt, Mrs. Jermy and Chastney were wounded. It will be recollected that Chastney, in describing the moment before and when she was shot, said: "I then saw a man apparently coming from the dining-room door, and he had what appeared to me to be a short gun or pistol in the right hand up to the shoulder. He levelled it and shot me."

In this statement she is completely borne out by the weight of the blunderbuss, which is an exceedingly heavy though short instrument, and could scarcely be held out with one hand. The barrels are about 13 inches long, and at least three-quarters of an inch in diameter; it has a gun stock. It is supposed to have been quite new at the time; it is of first-rate workmanship, by Wesley Richards, and has a spring bayonet as long as the barrel; and above all, the ramrod found in the Hall, which was also new, fits the bore and ramrod pipe exactly. The document intended as the foundation of his defence for his lawyers, we have given, affords the clue to this long-sought weapon, and exhibits his great desire for secrecy, for it says: "As soon as Miss Sandford was into her room, I went down in my slip-shoes, and took my outside dress and my boots I had been in the habit of wearing when I went out in the night after poachers, as I did not wish to be recognised, and *hid them in the muck in the shed, in the yard, by the dairy window.*"

Again—"It is most material that those things should not be discovered till after the evidence is all given against me (and here he gives a false reason), because that outside dress will completely clear me, as not being the person seen in the Hall the night after the murder, and yet it is almost as important the parties I have described should be made out—which I have no doubt can be made out—which I have no doubt can be done."

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<sup>1</sup> Norwich, 1849.

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The dress and boots have been found where they were described to have been secreted.

The mouth of the blunderbuss is slightly belled, and its bore will still more strongly satisfy those who saw the wadding which was exhibited on the day after the murder by the police, and found in the Hall, that it was the weapon used to shoot the females, as the size of the bore below the bell corresponds closely with the size of the wadding.

The police in the course of their inquiry called at Field & Co.'s, in London, with the weapon, and then it was discovered to have been purchased of them some time before the murder.

It was matter of conjecture whether the assassin Rush murdered his victims, Mr. Jermy and Mr. J. Jermy, with the same weapon with which he wounded Mrs. Jermy and Eliza Chastney, and if so, how he had time to re-load. We have this week seen a letter from Mr. John W. P. Field, the gunmaker, of London, who sold Rush the blunderbuss, which is conclusive on this point we think. He says—"There was one circumstance connected with the sale of the gun which I did not mention before, that was, that the man who bought it ordered the touch-holes to be enlarged, in order to make them *prime themselves*, which, coupled with his having cartridges, would greatly facilitate the loading." It appears then plain that he re-loaded the blunderbuss in the dining-room, from whence he was seen to come by Eliza Chastney, and in his haste did not fit the ramrod in its place, consequently it fell in the hall.

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## APPENDIX II.

### DEPOSITIONS AND DOCUMENTS.

For handy reference, here follow the depositions taken at various times after the apprehension of Rush, also documents found in the possession of Rush, the forged papers being among them. Constant reference was made to these depositions and documents during the Trial.

#### DEPOSITIONS.

##### I.

The first deposition was that of the butler, James Watson. He stated that when he first saw the man in the passage, on the night of the murder, it was his impression that it was Rush. He had frequently before seen Rush. He thought it was Rush, because the person was low and stout like Rush. He felt sure that it was Rush. He also spoke to having seen the man drop a piece of paper in the passage, which he afterwards picked up and again dropped it. His cross-examination by the prisoner merely referred as to how many times he had been examined, and if there was a lighted lamp in the passage.

##### II.

Mrs. Jermy deposed—On the evening of Tuesday, the 28th of November, about a quarter past eight o'clock, she was in the drawing-room at Stanfield

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Hall. She had left Mr. Isaac Jermy in the dining-room. She heard the report of a gun or pistol shot. The doors and windows were all shut. The sound came in the direction of the front of the house. Her husband said, "Oh God! what can be the matter." He went to the staircase hall. Almost directly after she heard the report of another gun or pistol. She heard her husband say "Oh!" She rang the bell. She ran into the staircase hall by the same door as her husband had gone out. She called the butler Watson, and her maid, Elizabeth Chastney. She told Watson to see to Mr. Jermy, his master. She and Elizabeth Chastney went to Mr. Jermy Jermy. She saw a man in the staircase hall coming from the dining-room door. Her impression was that he had in his hand either a gun or a long pistol. The man fired the gun at her. I have repeatedly seen Rush. The light was behind the man I saw. I did not see his face at all. It struck me immediately that it was Rush. I thought so at the time. I believe I said that it was Rush. I think I said so to the nurse.

Cross-examination by the Prisoner—She did not recollect what Eliza Chastney said to her. She thought she said something. She met the maid at the corner of the passage leading to the staircase hall door. Watson came up to her at the same time from the pantry. She did not know whether the lamp was lighted. She did not know whether Rush had a hat or a cap on. She knew him by his peculiar walk, his size, and his manner. She could not say whether his coat was buttoned or unbuttoned. What she had stated had not before been taken down in writing. She had not been told what Elizabeth Chastney or Watson had said. After the report of the pistol or gun, her husband left the room. He said, "What can be the matter; I will go and see." The man had something over his person, which she thought was a greatcoat.

### III.

Eliza Chastney said—I am twenty-six years of age. I have a clear recollection of all the circumstances of the night of the 28th of November. I was sitting in the servants' hall with the cook. About eight in the evening I heard the report of a gun, which I supposed to have been fired by one of the servants. In a few seconds afterwards I heard the report of another gun and a groan. I got up and went down the passage towards the hall door and butler's pantry, intending to ask the butler what was the matter. Before I could do so, I met Mrs. Jermy looking dreadfully wild. She said, "Watson! Watson! Eliza, go to Mr. Jermy." I said, "For God's sake what is the matter?" She still said what is the matter. I threw my arms round her waist. I then said, "My dear mistress, what is the matter"—I then said to my mistress, "For God's sake do not go." We were both going down the passage together. She never spoke, but looked at me wildly. When we got to the door of the staircase hall, I saw my master, Mr. Isaac Jermy Jermy, lying on his back. I then saw a man coming from the dining-room. When I first saw him he appeared to be about a yard out of the dining-room door. I could distinctly see the head and shoulders, but not the face or features, the light being at his back. He

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appeared to have over his right shoulder what seemed to be a short gun or pistol. I distinctly saw him level it, and instantly afterwards I was shot. In a second afterwards another shot was fired. I saw distinctly my mistress's arm twirl. I then fell. My mistress left me and ran along the passage upstairs. I twirled round several times before I fell. I then gave two or three violent shrieks, and said, "I am going to die." I called out, "Will no one come and help me." Miss Isabella Jermy passed me, and must have passed the man at the door in the hall. James Watson came out of his pantry and said, "Lord have mercy on us." I said, "Watson, I am shot." He said, "Can't you move." I said, "No; do not touch me." I recollect no more until I heard somebody shout three times, "Where are you shot?" That was at the bottom of the staircase. I spread my hand over my wounds. Somebody then said, "Poor thing, poor thing—did you see him?" I said, "Yes; it was Rush"—that man. The man I saw in the hall had neither hat nor cap on, nor had he anything that disguised the shape of the head. The form of the head was flat on the top, and whiskers apparently set out round the head. He had wide shoulders. It seemed to be hair round the head. It was hair. I saw it distinctly. I should think I was about three or four yards from him when he levelled the gun at me, but I cannot say. Directly I fell I am sure I heard some person pass me besides Miss Jermy. It was my conviction, and is so still, that the person I saw in the hall who shot at me is the prisoner Rush. I had seen him several times before that night. The dress appeared to be dark, but I speak to his head and shoulders. I was shown a wig by Henry Hubbersty, the superintendent of police, a few days since. It was some day last week. Hubbersty then put it on, and it brought clearly and distinctly to my mind the form of the head of the man who shot me. I should like to see it put upon the prisoner. [Superintendent Hubbersty here produced the black wig and loose hair found in a box on the Potash farm, and the cloak taken possession of by Mr. Pinson upon Rush's arrival at the Castle, which were placed upon the prisoner Rush.] I see the wig and cloak on the prisoner. My decided impression is, that the man now before me (he resembles both in height and size and form of head) is the man who shot me. If the room was dark and a candle put behind the party, I might be better able to speak to him. I might speak more positive, but I am satisfied as it is.

Cross-examined by the Prisoner—I observed nothing else about the head but what I have stated. I could see the whole of the head and shoulders. I was standing by the door of the staircase hall. He did not give me time to observe more than his head and shoulders, and the light being at his back I could not observe more. I had not time to examine carefully whether you had a cloak on. My master was lying inside the staircase hall on the mat by the door. I cannot say whether there was a light in the hall. I can say there was a light in the dining-room. I do not know how the dining-room was lighted up, but it was lighted up as usual. I cannot say positively whether I have ever heard of any guns being taken from Potash, but I heard of one being taken. I do not know whether it was a long gun or a short one. I have said all along that the man I saw in the hall had neither a hat nor cap on. If I had had time, of course, I could have distinguished the

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dress the man had on. I told Mr. Watson that the man had neither a hat nor cap on. That was at the time you were in the room. I was not then asked to describe the man's head. I did not observe the whiskers, but the form of the head. I cannot say where Watson was. He came from the pantry after I was shot. I feel sure it was the man I saw in the hall pass me, but I did not see him.

Re-examination—When I was examined by Mr. Wilson on the evening of the 29th, I was in great agony. I never lost my senses after I was got upstairs. I feel quite sure that I never said the man had either a hat or cap on. I am free from pain now. About two hours after I was shot I was got upstairs.

### IV.

Margaret Read, the cook, stated—On the 28th of November she heard the report of a gun on the outside of the house. She then heard another, another, and another. She was sitting in the servants' hall with Eliza Chastney. She ran to the servants' hall door. When she got to the door she saw Miss Isabella Jermy, a child thirteen years old, running towards the door. There was a man in the passage on the other side of the back stairs. The man was the same height and form as Rush. She could not see his face. He had in his right hand a short gun or long pistol. He had on either a greatcoat or a cloak. It seemed to be a short cloak. (A cloak found in the bedroom was produced and put on Rush.) It did not appear as it did then. He might hold his arm up to make it appear shorter. She saw either the gun or pistol. She did not stop to see him, but ran away with Miss Jermy into the stable. They expected to have been murdered. She remained in the stable until a man came and told them that the assassin had fled. When she saw the man in the passage she judged in a moment who it was. She knew his personal appearance quite well. She felt sure it was Rush. The passage was lighted up in the usual way. She was only eight or ten yards from the man. She could not tell where the man's left arm was because she could only see his right. She saw Miss Jermy before she saw the man. Miss Jermy was about three yards before the man. When she returned from the stable to the back kitchen she saw the paper which had been dropped in the passage. She did not read it, but the servants told her what the purport of it was.

### V.

Maria Blanchflower, the nursemaid, deposed to hearing some shots fired, and then going into the servants' hall; she looked back and saw a low stout man following her. She ran to the cook in the back kitchen. She had not time to see him, but she knew he was dressed in a dark dress.

### VI.

Honor Holmes, a servant at Stanfield Hall, stated—She recollected the 28th of November. On that evening she found a paper with something written upon it. She afterwards gave it to Mr. C. Clarke. It was almost

## James B. Rush.

three-quarters of an hour after the murder. When she gave it to Mr. Clarke Mr. Skoulding was present.

### VII.

Solomon Savory, a labourer, was in the employ of Mr. Rush. He lived in the house at the Potash farm. On the 28th of November he had to feed the pony. He did not see Rush on that day after seven or eight o'clock.

Cross-examined by the Prisoner—Rush went home on that afternoon about half-past five o'clock. Rush had two pairs of boots, which he used to wear when he was busy about the farm. One was a heavy pair, and the other a light pair. On that day he washed both pairs in the back kitchen about half an hour before he went to bed. He put them by the fire to dry. They were there in the morning, the same as he had left them. He had fastened the doors.

### VIII.

Police Constable Joseph Howes stated, on the 30th of November he searched a writing desk which he found at the Potash farm. In that desk he found several letters which he produced. He gave the letters to Superintendent Andrews, who in his presence gave them to Colonel Oakes. The first, dated 28th of April, 1848, was signed J. B. Rush, and directed to Mr. J. Rush. The second was dated 20th September, and signed and directed as the former. The third had no date, but the postmark was Nov. 22, signed J. B. Rush, and directed to Master Rush. The next was dated the 16th November. The others were dated the 3rd, the 18th, and the 20th of April. He slipped the lock of the desk because he could find no key. Police Constable King was with him. He did not try to lock the desk up again. After he found the letters he took them to Stanfield Hall, and they were given to Colonel Oakes. He left nine or ten other letters in the writing desk. There was only one letter addressed to Rush.

### IX.

The first deposition of Emily Sandford was taken on the 30th November at Wymondham Bridewell. She then stated she was a widow, and that her name was Emily James, and she resided at the Potash farm. She had been living there since the 4th of November. She was there on the 28th of November all day and all night. She went to bed about half-past nine o'clock on that evening. Rush was at home. Rush and she drank tea together on that evening about six o'clock. Rush did not go out after that time, except for ten minutes or a quarter of an hour, about half an hour before she went to bed. She would not swear he was not out half an hour, or three-quarters of an hour, but she could swear that he was not an hour.

Cross-examined—When the men were going to bed she could hear a noise.

### X.

The second deposition of Emily Sandford was taken on the 2nd of December at Wymondham Bridewell. She again gave her name as Emily

## Appendix II.

James, and stated—She had known Rush for two years. She went to reside at the Potash farm on the 4th of November last. Rush had been in the habit of going out of an evening five or six times. He went out to look after poachers, as he said. On the 24th of November he left about half-past six o'clock in the evening, and did not return until about eleven o'clock. On Monday, the 27th, he went out about the same time, and returned about nine o'clock. On Tuesday, the 28th, he went out again. She thought it was more than an hour after tea that he went out. He requested her to leave the room in which they were sitting. She left the room in which they were sitting and went into her own room. The second evening he made the same request, and on the Tuesday evening she left the room, thinking it was his wish. She never on those occasions saw him again, from the time she left the sitting-room till he went out. On the 28th it was about nine or half-past nine o'clock when he came home. She heard him try the outside door. She went to unlock it. He tapped at the door. When she drew the bolt back she said it was undone. She then went into the parlour. She did not see Rush, but heard him go in. He said, "Who is there?" She answered him. He did not go into the parlour, but went upstairs. As he passed the door he told her she had better go to bed. She asked him if he did not want a light. He said he could get one upstairs. She did not go to bed immediately, as he had desired her. He came downstairs and told her to take the top off the fire. She thought he looked as if something was the matter. She asked him if there was anything the matter. He said, "No, nothing." He then said if there were any inquiries made about him she was to say that he had not been out more than ten minutes. She took the fire off and went upstairs. After that she believed she heard Rush go downstairs again. He was downstairs two or three minutes. She heard him go to bed. That evening it had been determined that she should go to the concert. She was dressed at tea-time to go. At tea-time Rush said to her, if it was not a great disappointment to her they would not go to the concert that night, but would go in the morning. They talked together for some little time, when Rush said he was going out. She told him he had better not go out, as he was unwell. He said he would not be gone long. He also said he would still go to the concert that evening if she wished it.

On this occasion the witness was not cross-examined by the prisoner.

### XI.

The third deposition of Emily Sandford was taken on the 13th of December, which was to the following effect:—Her real name was Emily Sandford. She had signed the former depositions by the name of Emily James. The reason she had changed her name was on account of the respectability of her mother. She had written papers for Rush. Her father's family was considered very clever at the pen. She knew the paper produced to her, and marked A A. [The distinguishing marks on the papers were changed on the trial.] It was in her handwriting. She had practiced and imitated engrossing. The signature, Emily Sandford, was in her writing. The papers marked B, C, and D were also in her writing. The signatures,

## James B. Rush.

Emily Sandford, were also in her writing. On the 3rd of October she was in London by the direction of Rush. The paper marked D she wrote there. She copied it from a draft in Rush's handwriting. On that evening Rush and Read came to her lodgings. Thomas Jermy and Larner were there. Read and herself signed it as witnesses. On the 5th she left London. She came down by rail, and Rush met her at the Norwich station. She expected she was going to live in Norwich. Rush said he should take her over to Potash that night. He drove her over in the gig. She was there three or four days. He told her that he had fixed to have an interview with Mr. Jermy. He meant old Mr. Jermy. She stopped there until the 16th of October. She did not see Mr. Jermy. Rush kept her within doors, as he said he did not wish her to be seen by the labourers. He had told her that she should see Mr. Jermy. It was fixed that she should leave Potash. She had been expecting to see Mr. Jermy going there. Rush told her that Read was going there, and it was determined that she was to go to Norwich. Savory was to drive her to Norwich. When she was going Rush said, "As Jermy does not come to Potash, I will go to Stanfield Hall, as I must see him." Rush and herself got into the gig, and went down to Stanfield Hall across the fields. Savory walked. The road was so bad that they had a trouble to keep the pony upon his legs. After going through two fields they were stopped by a great drain. Rush wanted her to stop there while he went to the Hall. She said she would go as far as the Hall. When they got to the bridge Rush said he would leave her in the gig and go alone, and said if she was wanted he would send the butler for her. Rush stopped there about twenty minutes. She was not sent for. When Rush came he said he had seen Mr. Jermy, but they could not agree. Rush went with her as far as the turn to the Potash farm, when he left her, and the boy Savory drove her to Norwich. She went to the Bowling Green, where she slept that night. The next day she went to the Swan. She wrote to Rush to let him know where she was. He came there. She stopped at the Swan three or four days. She left the Swan. Rush got a fly and they went after lodgings, and got some at Mrs. Stacy's, in Theatre Street. When Rush came there to her Read was with him. Rush brought with him a rough copy and a stamped sheet. He took them from his pocket. She made two copies of it, both on stamped sheets. The one produced is one of them. She supposed, when she wrote them, that they were only for copies. After she made the copies Rush tore up the rough draft. She wrote them each on stamped paper. They were 2s. 6d. stamps. On the Sunday Rush went to her. On the Monday he said he should dine at the White Hart. After dinner he said he should bring some dessert with him. When he came he brought a small bottle of brandy, and told her to take some of it as it would do her good. She refused to take any, and the bottle was not uncorked. After a short time he said, "I want you to put your signature to two papers." She asked him whether she should sign her name James or Sandford. He told her to write her own name. She wrote Emily Sandford, and the word witness. She saw that the papers were dated the 10th of October. She told him they were dated the 10th of October. When she wrote her name to the paper she knew the name of I. Jermy was to it, because Rush told her to write her name opposite it. She wrote her name

## Appendix II.

without thinking about it. She and Rush had some words about signing it. She told him she could not be a witness, as she did not go into Stanfield Hall. He told her that it was only a mere matter of form, as they were only copies. He put the paper in his pocket and went away. She thought she could not be a witness, and wrote to him to that effect. On the Tuesday evening between seven and eight o'clock he came to her. He was very angry, and said it was very indiscreet on her part in writing to him on such a subject. He told her that she ought to speak to him personally. He asked her if she had kept a copy of the letter. She told him she had, and he made her fetch it. It was written in pencil. He tore it up and put it in the fire. A few days after that it was arranged that she should go to the Potash farm. When she got there she went indoors and went upstairs immediately. After she had been there about a week, he said, "I have some more copies for you to make." He gave her a stamped paper. She wrote on it. She copied it. It referred to the mortgage on the Potash farm. She wrote two. He then asked her to make a third, and to do it very nicely. He gave her another sheet of paper. He put one of them in his pocket. He folded two of them up. He put the best into his pocket. He said he was going to see Mr. Jermy upon it. He left the house, as he said, to go to Stanfield Hall. He returned in about an hour and a half. They were in the bedroom. The cloth had been laid there for dinner on that day. She asked him on his return whether he had seen him; he said, "No, but he should see him on his way to Felmingham." That was on the Friday before the murder. Rush laughed and talked about the last interview he had had with Mr. Jermy, and said what a singular being he was, for he had met him as if they had never had a single word in their lives. He talked much about the interview with Mr. Jermy. She and Rush dined together. After dinner, he said I have some writing to do, and told her to go and take her exercise in the garden. She left for about half an hour. When she came back, she found him with the papers upon the table. After she had been in a short time, Rush said, "I want you to put your name to this." She put her name to the paper marked B. She wrote Emily Sandford, and the word witness. She saw the name of Jermy. The name must have been written to it. He then took the pen and wrote his own name to it. There was another paper she signed. That was about the mortgage. He said it was in his pocket, and the other two were copies. The paper produced was the one she signed. It had the names of I. Jermy and J. B. Rush to it. That was one of the three she had written in the morning. It referred to the mortgage. Two days after that he said, "I will let you into a secret. I will show you a small place where I keep my valuable papers. There was only my poor mother knew about it, and I will let you into the secret." He went to the closet, and, with a chisel, raised a board, under which he put the papers. She said she knew the cloak produced. It was originally a bright scarlet. Rush bought it. It was a woman's cloak. It was an old-fashioned one. She got her dressmaker to alter it for him after it was dyed. He brought it from London with her things. It was taken to Potash farm. Rush kept that cloak in his bedroom. The only time she ever saw him wear that cloak was on the day after the murder. The closet he kept it in was always locked. She had seen a bunch of keys

## James B. Rush.

in the door. On the first and second time of his going out she was upstairs, and he used to lock the door of the passage so that she could not go out. When he returned she was always in her room. He told her to step into her own room and close the door. When he came downstairs he had his coat off. On the 28th she saw there was a fire in his bedroom, which must have been lighted for some time. They left off living in the bedroom. On the night of the murder there was only herself, Rush, and the boy Savory in the house. Rush had a pair of boots which came up above his ankles. If she was to see them she should know them again. She knew the wig produced; it belonged to Rush. He had it when he was in London. He wore it on one occasion, when he wanted to call upon a friend, in order that he might know what people were about without being recognised.

Cross-examined by the Prisoner—She was examined after the murder at Stanfield Hall. The next time she was examined was at the Bridewell. Mr. Wilson and Sir Thomas Beavor were there; Mr. Cann, sen., was not there. What she said was put down by Mr. J. Cann. She was asked some questions by the superintendent before she went to the Bridewell. Superintendents Hubbersty, Jones, and Andrews asked her about the Tuesday night. After that she was examined at the Bridewell. It was on the same day the superintendent had asked her the questions. Mr. Cann was there. The superintendents were also in the room at the time. Mr. Cann asked her questions. The answers were taken down in writing. She had been examined before the coroner and jury. She did not recollect the day she was asked about the papers. She thought it was on the Saturday. It was in the Bridewell, at Wymondham. Mr. Cann put some questions to her. She thought she was under examination for two hours. She believed what she said was put down in writing. Mr. J. Cann was there, and she thought she saw him put down the answers she gave.

On the 14th she was again cross-examined by the Prisoner. She stated on the Wednesday after the murder she sat in the pantry at Stanfield Hall for several hours. After that she was taken into the Hall. She was not asked any questions. She did not know the name of the room in which the examination was taken. The boy Savory and Hubbersty drove her back to the Potash farm. Hubbersty did not ask her any questions. It was nearly twelve o'clock when she got home. The servants were very kind to her. After she got home she went to bed. The next morning she went to Wymondham. The superintendent came down. She got her breakfast in the parlour. Mrs. Payne took in the breakfast. Hubbersty was one of the superintendents. There were no questions asked about the murder. She was not asked questions by the policemen. She did not know what time it was when they got back to the Potash farm. She sat some time in Bridewell after the examination. She did not know who drove her back. The next morning Jones, Hubbersty, and Andrews were at the Potash farm. Hubbersty and the servant drove her to the Bridewell. There was no talk about the murder. She had no questions asked her. She had been there a short time when she was examined by Mr. Cann. The written papers were not referred to. Mr. J. Cann took her answers down. The answers were taken down in the same way as they were then done. Mrs. Bryant was not there. She got back between nine and ten o'clock. On the Satur-

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day morning it was proposed that she should remain at the Bridewell. She did not recollect who it was that proposed it. She was asked whether she could get any bail. She sent a message to know whether she could go to Potash. She saw Mr. Cann. He told her she could go back if she liked under an escort. She was asked where Rush kept his papers. She told them in the carpet bag. She did not tell them in what part of the closet the papers were kept. She was asked whether she could swear that the carpet bag was the only place where Rush kept his papers. She should know Mr. Jermy's writing. Did not see any among the papers. She recollected being in the room on the Wednesday after the murder. She saw the police sitting there. She could not say whether Savory's name was mentioned. She did not recollect anything about the washing of the boots.

### XII.

Letter dated the 28th of April, 1848, from James Blomfield Rush to James Blomfield Rush, jun.

Angel Inn, Islington, 28th April, 1848.

My dear James—I received your letter this morning, and thank you for it; I do not see what you could have done better than you have. I have at last got Jermy in a fix, and the rogue and villain knows it as well. How he will act now will soon be seen; at all events, he now knows if he ruins me, I can him, or you would not have seen him as you have—but I do not want you to let any one know this, except your wife and her aunt; after their kindness and faithfulness to you, you ought to have no secrets from them. Send the pony and gig up to Rackham's for me on Sunday morning about nine o'clock, as I shall not return before, unless I hear your grandmother is worse; if she is, I shall take a horse and gig from Norwich, and will write and let you know; but trusting in God for the best, and with the kindest regards to your wife, believe me to be,

Yours faithfully,

J. B. RUSH.

### XIII.

Letter from James B. Rush to Mr. Read, dated the 2nd October, 1848.

Felmingham, 2nd October, 1848.

Dear Sir—I expect to be in town to-morrow instead of Wednesday, as I wrote you, and as I now think you have got a lawyer who will do all in his power to have justice done to Mr. Jermy, I will let you and Mr. Jermy know how far I am disposed to assist him. You must, in order that I may do so, have Mr. Jermy up to town to-morrow, Tuesday evening, and you, Mr. Larner, Mr. Larner's eldest son, and Mr. Jermy, must meet me at my lodgings, No. 2 Mylne Street, and I will at once tell you my plan, and the only plan that will ever give them the estates. There is one point I must have observed, and strictly so to the letter, that is, no one but us five, and the lady who is going to find the money to carry my plan into execution, is to know what we are after, till I think proper. It will in no way interfere with the course your lawyer is taking; it will materially

## James B. Rush.

assist him as soon as he has filed the bill, particularly in his recovering the advowson, and the money Jermy, *alias* Preston, took out of Court; but all this I will explain when I see you to-morrow night. You must have Mr. Jermy up, as I shall want him down into Norfolk to take possession on Wednesday, and if you and Mr. Larner think it advisable, after hearing my plan, Mr. Larner must accompany him. You will be so good as to send a note to 2 Mylne Street, Claremont Square, Pentonville, to say what time in the evening I may expect to see you all, unless Mr. Larner's son should be at so great a distance that he cannot by any possibility meet us, and trusting in the hope that God has hitherto ordered all for the best,

I am, my dear Sir, yours faithfully,

JAMES B. RUSH.

R. Read, Esq., Red Bull Yard, Upper Thames Street, City, London.

*P.S.*—Above all do not hint, in any way, to Mr. Garlick. I know you will not, but caution the others. I would not have him know that Mr. Jermy is coming down to Norfolk for £500. He is a clever man, but he must not be trusted in anything I have to do with in this matter.

### XIV.

Agreement dated the 3rd October, 1848, between Thomas Jermy, John Larner, and Charles Larner, and James Blomfield Rush, marked D.

London, 3rd October, 1848.

Memorandum of an Agreement made this third day of October, one thousand eight hundred and forty-eight, between Thomas Jermy, of the parish of Upper Tooting, in Surrey, John Larner, sen., No. 9 James Street, Featherstone Street, City Road, London, and Charles Larner, jun., in Wiltshire, of the one part, and James Blomfield Rush, of No. 2 Mylne Street, Pentonville, London, on the other part; that is to say, Thomas Jermy, John Larner, and Charles Larner, jun., agreed for themselves, their heirs, administrators, or assigns, to let to the said James Blomfield Rush, his heirs, administrators, or assigns, and he agrees to hire all those two farms in Felmingham, Skeyton, and North Walsham, in the county of Norfolk (now in the occupation of the Executor of the late Mrs. Mary Rush, and previously to that in the occupation of Mr. John Rush and the said James Blomfield Rush), for the term of twenty-one years, commencing from the eleventh day of October, one thousand eight hundred and forty-eight, and ending October the eleventh, one thousand eight hundred and sixty-nine, at the annual rent of two hundred and thirty pounds, payable in two equal and half-yearly instalments on the 6th day of April, Lady-day, and the 11th day of October, Michaelmas-day, after deducting landlord's taxes and tradesmen's bills for what the aforesaid James Blomfield Rush may think are necessary for the repairs of the dwelling-houses and farm buildings on the said estates; the aforesaid rent, after making the aforesaid deductions, to be paid to the aforesaid Thomas Jermy, John Larner, sen., and Charles Larner, jun., their heirs, administrators, or assigns, as they respectively come into possession of the aforesaid property; that the aforesaid James Blomfield Rush agrees, as soon as conveniently he can after the signing of

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this agreement, to put Thomas Jermy into possession of the said estates, and do all he can legally to assist him in maintaining possession; and that if he succeeds, that the said James Blomfield Rush is to be allowed from the aforesaid rent, as it comes due, to reimburse himself all reasonable expenses he may incur in keeping him, the aforesaid Thomas Jermy, his heirs, and assigns, in possession, and also all reasonable expenses he, the said James Blomfield Rush, may incur in obtaining possession of the Stanfield Hall estate for the aforesaid parties. In witness we, the undersigned, have hereunto set our hands the day and year above written.

THOMAS JERMY, his  $\times$  mark.

JOHN LARNER, sen., his  $\times$  mark.

Richard Read, *Witness*.

2 Red Bull Yard, Thames Street, City of London.

Emily Sandford, *Witness*.

And it is further agreed that the aforesaid Thomas Jermy and John Larnar, sen., do sign another agreement, worded in every respect like the above, except as to the date at Felmingham, on Thursday, the twelfth day of October next. In witness our hands as above,

THOMAS JERMY, his  $\times$  mark.

JOHN LARNER, his  $\times$  mark.

Richard Read, *Witness*.

2 Red Bull Yard, Thames Street, City of London.

Emily Sandford, *Witness*.

### XV.

Notice from Thomas Jermy to Isaac Jermy, Esq.

Felmingham, 12th October, 1848.

To Isaac Jermy, *alias* Isaac Preston, Esq.

Take notice, that I have entered upon and taken peaceable possession of the messuages, farmhouses, lands, and hereditaments, situate and lying in Felmingham, Skeyton, and North Walsham, in the county of Norfolk, by reason and on account of the fraudulent and unlawful means in which you and your late father, the Rev. Geo. Preston and his relatives, have been holding possession and receiving the rents of the same, particular by your fraudulently taking the name and arms of Jermy, and claiming the said estates as the nearest of blood to the late William Jermy, of Bayfield, and by rights derived from his will, dated the 8th day of Dec., 1751; and the statement of your petition to the Queen in 1838 being false, as to your relations having purchased, for a valuable consideration, of the nearest of blood of the aforesaid Wm. Jermy, the ultimate remainder or reversion in fee of the before-mentioned estates; and I give you notice that I demand of you the money that your father, the Rev. George Preston, took in exchange for a farm in the occupation of Mr. Helsden, of Suffield, and nine acres of allotment on Stow Heath, in the parish of Felmingham, for the farm that was then in the occupation of Mrs. Mayes, of Felmingham, and fifty-nine acres of land from off a farm that was then in the occupation of Mrs. Hylton, of Felmingham; which said exchange is set forth and

## James B. Rush.

shown in an agreement, bearing date the 20th day of November, one thousand eight hundred and thirteen, between the late Lord Suffield and the late Rev. George Preston; and I give you further notice, that my entry aforesaid shall not defeat, impeach, or prejudice any right of action, or other remedy, which I now have or may have against you in any way howsoever.

THOMAS JERMY, his  $\times$  mark.

Witness—Richard Read.

Indorsement—Oct. 2nd, gave Jermy a copy of this notice.

JAMES B. RUSH.

### XVI.

Letter from Mr. Read to James Blomfield Rush.

Oct. 14, 1848, 2 Red Bull Yard, Upper Thames Street.

J. B. Rush, Esq.

Dear Sir—Mr. Flowers will write to you by post, this day, and send you a copy of what he has been doing about the will. The step he has taken is, I think, both prudent and wise. I have the fullest confidence in him. As soon as I told him about the will not being advertised, he immediately told me what he had done, without any reserve. He wished to have one of the notices. I got one from Clowes, and sent it by post. I asked if Jermy and Larner might return to town without any injury to the cause. He said they might therefore be pleased to send them up to town, in order Mr. Larner may come to work the first thing on Monday morning.

I remain, dear Sir, yours truly,

RD. READ.

P.S.—Mr. Larner's son has come home very ill indeed, but Mrs. Larner wishes you not to mention this to him. Please not fail to send them off.

### XVII.

Letter from Mr. Read to James Blomfield Rush.

Dear Sir—I shall feel extremely obliged if you will forward to me the case by return of post, which Mr. Garlick furnished you with, *Jermy v. Jermy*, as Mr. Waugh is out of town, and his partner cannot find the original case. Mr. Flowers is now waiting for the same for counsel to prepare the bill in Chancery; he is very desirous that no time may be lost, being at leisure.

Yours, &c.,

R. READ.

B. Rush, Esq.

### XVIII.

Text of one of two similar papers dropped in the passage in Stanfield Hall, on the 28th November, 1848, marked with the letter A.

There are 7 of us here—three of us outside and four of us inside the Hall, all armed as you see us two. If any of you servants offer to leave the premises, or to follow us, you will be shot dead; therefore, all you keep in the servants' hall, and you nor any one else will take any harm, for we are come to take possession of the Stanfield Hall property.

THOS. JERMY, the Owner.

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### XIX.

Agreement, dated 10th October, 1848, between James Blomfield Rush and Isaac Jermy, Esq., marked A.

An agreement made this 10th day of October, 1848, between James Blomfield Rush, of the one part, and Isaac Jermy, Esq., Recorder of Norwich, on the other part. The said Isaac Jermy agrees to let the said James Blomfield Rush have the five thousand pounds on the Potash estate, three years over and above the time mentioned in the mortgage deeds, at four per cent., computing three years from the expiration of the ten years, as mentioned in the said mortgage deeds to Isaac Jermy; and the said "J. B. Rush" agrees to pay the interest the same as heretofore, and observe all the stipulations and covenants mentioned in the aforesaid mortgage deeds, and the said Isaac Jermy agrees to do the same. As witness our hands the day and year first above written.

ISAAC JERMY.

JAMES B. RUSH.

*Witness*—Emily Sandford.

### XX.

Agreement, dated 21st day of November, 1848, between Isaac Jermy, Esq., and James Blomfield Rush, marked B.

It is this day agreed to by me Isaac Jermy, of Stanfield Hall, that if James Blomfield Rush gives up all what papers and documents he holds relating to the Stanfield Hall and Felmingham estates, and do all that lays in his power in maintaining and keeping me and my heirs or assigns in possession of the said estates, that I will give up all claim I have on him, the said James B. Rush, on the Potash estate, and will burn the mortgage deeds I hold on the said estate, and give up the writings of the same to the said J. B. Rush, within twelve months from the date hereof, and give him a lease of the Felmingham farms for twenty-one years, on the same terms and conditions as he now holds an agreement from the present claimant, Thomas Jermy. In witness hereunto the undersigned have set their hands, this 21st day of November, 1848.

ISAAC JERMY.

I, James Blomfield Rush do, in consideration of the above, herewith give up all papers and documents relating to the above estates that can in any way affect the title of the aforesaid Isaac Jermy, and agree to do all I can to assist in maintaining and keeping possession of the said estates for the aforesaid Isaac Jermy, his heirs or assigns.

JAMES BLOMFIELD RUSH.

*Witness*—Emily Sandford.

### XXI.

Agreement dated the 10th day of October, 1848, between Isaac Jermy, Esq., and James Blomfield Rush, marked C.

Memorandum of an Agreement made this tenth day of October, 1848, by me Isaac Jermy, Esq., Recorder of the City of Norwich, that is to say,

## James B. Rush.

I agree for myself, my heirs, administrators, or assigns, to let to James Blomfield Rush, of Felmingham, his heirs, administrators, or assigns, all those two farms lately occupied by Mr. John Rush, and the said James B. Rush, for the term of twelve years, from Michaelmas, 1848, at the annual rent of three hundred pounds per annum—and that a lease and counterpart be prepared, at the expense of the said James Blomfield Rush, his heirs, administrators, or assigns, with the same covenants as are now contained in the leases to the aforesaid John Rush and James Blomfield Rush, and that a clause in the said lease is to be inserted that my son, Jermy Jermy, is to have the right of shooting over the said farms, that he is to have a sitting-room and a bedroom provided for him, when he requires the same in the shooting season, and to be boarded in the farmhouse and to pay what is reasonable for the same. In witness hereto, I have this day set my hand.

I. JERMY.

*Witness—Emily Sandford.*

### APPENDIX III.

#### BANKRUPTCY PROCEEDINGS *re* RUSH.

In order to make a favourable impression upon the Commissioner, Mr. Fane,<sup>1</sup> Rush addressed to him a wordy letter, which seemingly made the desired impression:

Felmingham, 14th August, 1848.

Honoured Sir—In addressing you once more, I must beg of you to forgive me for so doing, but if you will have the kindness to read my letter and pamphlet,<sup>2</sup> as far as relating to Mr. Jermy's conduct to me, you, I hope, will see the necessity of my doing so. In the first place I will call your attention to the pamphlet I published respecting the trial for breach of covenants, and Mr. Jermy's conduct to me altogether. If you have not read it, it is impossible to tell, or enter into the justice of the case, as far as the oppressive conduct I have received from him. Mr. Salter's conduct is as bad, only not on so large a scale. The facts of his case are as follows:—On the 16th of October last I was in Mr. Salter's debt £99 0s. 6d. partly for goods bought at an auction where he was auctioneer, and partly for goods bought of him by private contract; that was the first day my creditors met to consult about what composition was to be paid; Mr. Salter called and spoke to me, and shook hands, and said he was so busy he could not attend the meeting, but whatever the other creditors agreed to, he should do so with the greatest pleasure, but that he hoped if my mother had an auction of what stock she did not require, he should have the selling of them. I told him as he had behaved so handsomely he should. I never heard anything to make me suspect but he intended to act up to what he had said till after

<sup>1</sup> Robert George Cecil Fane, b. 1796, d. 1864. Educated at Charterhouse and Balliol. Barrister-at-law, Lincoln's Inn, 1821; Commissioner of Bankruptcy, 1831. Wrote much on bankruptcy reform.

<sup>2</sup> The famous Pamphlet!



Sketch of Rush's Disguise.



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the meeting of creditors. On the 20th of October, it was a day or two after, he came to my house at Stanfield, and said if I did not pay him in full he should try and make me a bankrupt. I asked him what he meant by it? He said Mr. Jermy and Clarke told him I had plenty to pay with, and that he ought to be paid in full. I told him the fact was Clarke had so much influence over him he was going to make him as bad as himself, and so it appeared, for in a few days a demand was made on me for £116 0s. 6d.; this addition to the £99 0s. 6d. was £17 for a threshing machine that had never been mine, but was had under the circumstances mentioned in my letter to your Honour on the 10th of July; this addition, as I was informed, was thus fraudulently put in to make the debt over £100, in order to make a bankrupt of me; after finding they could not make me a bankrupt, they commenced an action against me for this £116 0s. 6d. Mr. Waugh<sup>3</sup> recommended me to get rid of such an annoyance, and to tender him the £99 0s. 6d. I wrote a note to request him to call at the Potash farm on the 1st of December, and speak to my mother about the sale by auction. He called as requested. I then tendered him the £99 0s. 6d., but he said he could not take it without first seeing Mr. Clarke; he still went on with his action, but afterwards agreed to take the £99 0s. 6d. if I would pay the costs. As I had not paid the money into Court, Mr. Waugh said it was useless to go to trial; accordingly I signed judgment to do so; as I never doubted for a moment but that they would get a verdict for the £99 0s. 6d.; the costs, after being taxed, were £41 0s. 6d., so that I will leave it to your Honour to see how I have been treated in this business. Mr. Jermy's conduct you will see by referring to the pamphlet, which I hope your Honour will take the trouble to do.

I will now call your Honour's attention to the circumstances of my making myself a bankrupt. Finding I had no alternative against Salter's debt and costs, and Mr. Jermy having gone on with his action for breaches of covenants, which no one can know the injustice of but those who knew the state of the farms as compared with what they were when I took them, or by reading my pamphlet through—Mr. Waugh, knowing all this, said I could not get clear of them unless I either made myself a bankrupt or filed a bill in Chancery. I think he said so, or it was something in Chancery. He told me what he thought would be the result in both cases. The case of bankruptcy I took down in writing, and read over to him, which was in substance that I should get the certificate in about six weeks from that time by showing, to the satisfaction of the Court, that I had no money to pay my creditors with, but had expended it already in my composition to my creditors. Mr. Waugh said I must employ an accountant to make out a balance sheet. I did not know any one. I therefore inquired at your Court who I was to have, but the clerks and messenger, all of them said they dare not give me any names; that they never did do so. I also requested Mr. Whitmore and his clerks to name some one who I could apply to, but they all said that they never interfered in such matters; there was a gentleman, an accountant, at lodgings at the same house that I was. I applied to him; he very candidly told me he did not pretend to make balance

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<sup>3</sup> George Waugh, solicitor, of 5 Great James Street, Bedford Row.

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sheets, only in the linen drapery failures, but that a friend of his, who was highly respectable, would recommend a fit and proper person for me. He took me to his friend, and he recommended me to Mr. Smith, the accountant, who made my first balance sheet out. He (Mr. Smith) examined all my books and accounts, and he and his clerks made extracts and copies of all he said was necessary to make out such balance sheet as he undertook would be satisfactory to the Court, so that I should have my certificate at the first meeting on the 20th of June. I paid him £1 for that, and agreed if he made good his undertaking to pay him £5 more when the balance sheets were filed, and £5 more if I got my certificate on the 20th of June, according to the undertaking. The balance sheets were filed in time. I paid my £5, and he assured me that they were made out so as he had every reason to expect I should pass, and produced several other balance sheets that he said were not made out half so satisfactory to creditors. I told him it might be so, but at all events I should not be satisfied if I was a creditor, but he still persisted, from his experience, that they were right. A meeting was appointed for us to attend on Mr. Whitmore, to go through the balance sheets. Instead of his attending his brother attended, who knew nothing about them, and any explanation that was required by Mr. Whitmore I was obliged to give him, and my not knowing the principle on which such accounts were made out, of course made it worse, and Mr. Whitmore at once said, very properly, that such accounts were anything but satisfactory. I showed him the accounts similar to the second balance sheet, that the accountant had made his extracts from, and he said, if such accounts were got out in a proper balance sheet form, he could not see but they would do. On the 20th of June Mr. Smith did not attend the meeting, and I thought I had had enough of accountants, and would try and make the balance sheet out myself, and I did so, and had a great deal of trouble to find the same sort of paper Mr. Smith had made his out on, but having done so, and found it was the same as most other balance sheets were made out with, what was my surprise after Mr. Whitmore had gone through all the sheets with me, and put his initials, and his clerk had examined the vouchers relating to the same, and put his initials to the separate items, and Mr. Whitmore paid me the compliment in saying, that although not made out in the usual form, yet, under my peculiar circumstances, he did not see how I could make out a better one; what was my surprise on your Honour's looking at the same on the 11th of July, the next meeting, to say that it was not made out in the usual form, and that you would not look at it, as you could not make it out unless it was made out on the proper printed forms. There was I, after having been a month backward and forward to Mr. Smith, and paid him for no purpose, and three weeks trying my best, to find myself as far off as ever, and getting well abused into the bargain. You then, Honoured Sir, heard what Mr. Waugh said, and you very kindly said, if I put myself in his hands, I might expect justice done at the next meeting, and Mr. Whitmore said the same. I did so, and had to wait day after day on him with the promise of a great deal being done, and such a balance sheet being made out as was sure to be satisfactory. On the 1st of August, ten days before this meeting, I found no balance sheet got ready, nor were they, at the time they should have been filed. I had been waiting on him

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all this week, and my poor mother as ill as she could be, and when I left on the Saturday no sheets had been filed, but even then everything that could be satisfactory from Mr. Waugh was promised; and on the Tuesday after I received a letter marked A., of which the following are extracts, relating to this business, which I answered, and sent the following affidavit, marked C., as requested; and when I went up Mr. Waugh still persisted all was right. At the meeting to go through the accounts Mr. Whitmore said quite enough to convince me the balance sheets were not correct; but Mr. Waugh still said he should satisfy you till the hour of meeting; then he told me candidly that they were not such as you would pass, and that he must have further time, and wanted me to say it was in consequence of my mother's illness, and that I could not be in town to give him the required information. Now, I would put it to your Honour how you would have felt, after having experienced such disappointment, particularly after I saw Mr. Jermy was in the Court, and had got the very man up with him to give evidence against me that I had told Mr. Waugh would be of the utmost service to me, and he had talked of requesting you to have him up. And my opinion now is, if that man (that is Philip Bowgen, who was called into the witness-box) had been heard, he would have been of the utmost service to me, as I have every reason to expect he would have spoken the truth, and answered any question that might have been put to him, either for or against me. I am quite sure he could not have given any evidence to show I have ever had my cash book in my possession since about a week or a fortnight before Michaelmas. He might have seen me take books answering the description *I gave of the cash book in my examination on the 11th July*, as I had several books that would have answered that description. But, if I was on my death-bed, I have never seen the cash book since the time I stated on my examination on the 11th July; therefore I told Mr. Waugh I knew his (Bowgen's) evidence would be material in my favour, for he it is that can speak to Mr. Jermy's going over the house, into almost every room, at different times, *and once* (a day or two after the officers were on the premises) *one morning when I was not there, and none of my family up*. As for his taking away the books himself it is ridiculous to think of; but what I always suspected, although I did not think it right to say so, was, that Stubbs, a very bad character, *and one of Mr. Jermy's servants, who was made bailiff for the occasion*, had his instructions from either Mr. Jermy or Clarke, his solicitor, to take the books that were missing; and that after they found the importance they would have been to me, never would let me have them again; for, although this witness Bowgen and his father were the persons who were put more in trust than any one else, and were trusted with the keys in preference to the others, whenever Mr. Jermy or Clarke came, *Stubbs was almost always sure to be the man who they used to take and question, before leaving, and consult with and to instruct in all their secrets and underhand proceedings*; and my knowing him to be capable of doing anything that was bad, I always expected that if I had not given a true and correct statement to my creditors, on the 20th of October, of all what money I had taken, that those books would have been brought forward against me; therefore nothing could be so bad for me as for Mr. Waugh not to be prepared with satisfactory balance sheets in

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proper time for this last meeting on the 1st August. I have also sent you, Honoured Sir, one of the Norwich papers, showing you how much to my disadvantage it will be for me to have such a statement, as there published, standing open against me till the next meeting. It certainly is a most absurd report of the case, yet still it is apt to do me a very great deal of harm, to those who knew nothing of the business.

I have this time put myself in the hands of an accountant recommended by Mr. Whitmore, and I do hope, under all the circumstances, your Honour will be satisfied; if not I do not know what I shall do; my mother is most dangerously ill. Her will was made in 1834; it has never been altered; her money is all left to my children. If she does not live till after I have got my certificate, I can call God to witness, I shall be left without a farthing I can call my own, but shall be entirely at the mercy of my children; so I appeal to your Honour, once more, to give me some advice how to act. Mr. Phinn, the counsellor for Salter, said, at the last meeting, he was happy to say that he thought your Honour would hear no more of this fiat. What he meant I know no more than a child, unless Mr. Waugh said anything to him to get an adjournment, knowing he [Mr. Waugh] had no balance sheet fit to lay before your Honour. At all events I have not heard from any one since the meeting, and my mother being so dangerously ill, I requested Mr. Waugh not to call me up to town till he could really attend to the business. Sometimes I really feel so bad, I think I shall go mad, when I consider how I have been treated. Jermy behaved the most like a villain to my poor mother about a month ago, and since she has been ill, when he was at her house, that it was possible for any man to behave. He knows as well as I do that every transaction that has taken place, between her and myself, has been a *bona fide* transaction—that she had sufficient capital left by my father for such transactions, and a great deal more if required; and yet he had the villainy to tell her that the transfer of the Potash stock and crop, by valuation, from her to me, was all a humbug, and that the present creditors intended taking that property to pay themselves, and their expenses, in opposing my getting my certificate; and this was told to an old tenant who never lived under any other family, and who was then dangerously ill—and this was said to a woman who, I am happy to say, is universally respected both by poor and rich, and a person who is as well known for her strict religious principles as he is for having no religion at all. And when, as every one expected, he was on his death-bed, about two years ago, admitted this fact, and that it was of no use the clergyman's visiting him, as he could not *pray*. Such being the case, it makes my blood curdle and tingle in my veins in thinking over this business. And I know I shall offend your Honour by my personalities on those people if I go on; but with the hope that God Almighty will stand by me, and my nine children, in the hour of adversity; and that your Honour will devote an hour or two to the perusing of my case, and in giving me advice under my present difficulties, is the prayer of your Honour's most

R. G. C. Fane, Esq.,  
4 Upper Brook Street.

Humble and obedient servant,  
JAMES B. RUSH.

which is another good example of the plausibility with which Rush assaulted those who were not acquainted with his character.

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Here follows a report of the final hearing before Mr. Fane :

*Court of Bankruptcy, London—Re Rush's Bankruptcy.*

This day, James Blomfield Rush, an extensive farmer and cattle dealer, of Wymondham, in Norfolk, came up, by adjournment, to pass his last examination.

Mr. Duncan appeared for Mr. Salter, the assignee, to oppose; Mr. Jermy, the Recorder of the city of Norwich, attended in person; and Mr. Waugh, solicitor, of Great James Street, Bedford Row, appeared on behalf of the bankrupt.

In addition to the voluminous and detailed accounts filed by Mr. Smith, Mr. Rush, and Mr. Waugh, on behalf of the bankrupt previously to the last meeting, a further balance sheet was furnished ten days since by Mr. Thomas, which commenced September, 1847, and ended the 9th of May last, and was thus summed up—

DR.	£ s. d.	CR.	£ s. d.
To sundry creditors, -	642 16 8	By debtors, -	15 12 0
Ditto, holding security, -	5438 18 0	Property in dispute, -	66 1 4
Capital, -	566 4 4	Ditto, in the hands of	
I, Jermy, creditor in		creditors, -	5400 0 0
respect of damages		Property taken under	
recovered against me		distress for rent in	
in an action for breach		October, 1847, which	
of covenant, the pre-		realised, exclusive of	
sent amount of whose		the valuation, £844	
debt is disputed by		18s. 6d.	
me, - - - -	477 10 10	Expenses, domestic	
Rents received for		and personal, -	252 17 6
Potash farm, - -	115 0 0	Interest and mortgage, -	138 18 0
		Losses, - - - -	1365 1 0
Total, - - -	£7240 9 10	Total, - - -	£7238 9 10

Mr. Duncan—I appear on the part of the assignee to oppose the bankrupt. The matter has been several times before your Honour; and, as you may recollect, my learned friend, Mr. Phinn, appeared on the last occasion, but scarcely had he opened the case, before the bankrupt's solicitor made some offer to pay certain parties, with the view of superseding the fiat.

Mr. Commissioner Fane—No, no; he never made any such proposal. Mr. Waugh said that it was objected that the bankrupt had not rendered such accounts as could pass this Court, and, after some discussion, I consented that the case should be adjourned, it having been intimated to me that some arrangement was likely to be entered into which would be *satisfactory to all parties*.

Mr. Duncan—Well, that being so, no arrangement has been entered into, and the first notice we had of this meeting was from the officer of your Court, that a fresh balance sheet had been filed ten days ago; and I shall be able to satisfy your Honour that, as a matter of fact, although not in form, it does not materially differ from the former accounts, and is as unsatisfactory as can be. In October he called his creditors together

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and paid them 12s. 6d. in the pound, and immediately afterwards he denuded himself of every farthing of his property. He did not bring his property to his creditors and say you may do as you like with it, but he dealt with it himself just as he thought proper. The bankrupt was sometimes living in Paris and sometimes in London, and some of the creditors, and among them the assignee, would not accept the composition of 12s. 6d. in the pound, upon which the bankrupt came to this Court owing £600 odd. The whole of the live and dead stock and utensils of three farms had passed into the possession of his mother; and as respected Potash farm, he stated, in answer to the 18th requisition—"I shall give no information as to my mother's property." It would be found that all the available assets went away from the bankrupt immediately before the bankruptcy, and there was not sufficient left to pay one shilling in the pound. We believe the whole of the accounts to be fictitious, and that the balance sheet has been made up without vouchers. Your Honour will see that we put to him certain requisitions to answer.

The Commissioner—Yes, and I thought more unreasonable ones could not be. You might as well have put before him a Bill in Chancery to answer. He should have been asked to answer your questions *viva voce*, and you have no right to expect he can answer your questions *viva voce*.

Mr. Duncan—Yes, but he has had plenty of time to answer them.

The Commissioner—Time! Time! Yes, but you should have given him plenty of money as well as time. I shall not be made the instrument to oppress bankrupts. My duty is to protect the bankrupt as well as his creditors, and not allow him to be oppressed by heavy expenses, arising out of legal assistance.

Mr. Duncan—We have called for a debtor and creditor account between himself and mother, and that cannot be given *viva voce*. He states that £976 9s. was due from him to his mother, and we do not believe that he owed her anything, but that the money was given to him. We find an agreement between the bankrupt and his mother, in which she agrees to advance £400 after the 1st of September, and we do not find it carried to his account.

Mr. Waugh—Yes, indeed, it is. You are labouring under misapprehensions and have been misinstructed.

The Commissioner—The question is, whether these accounts are correct or not. He has furnished you with information to enable you to fix your attention upon particular points, and, if the whole of the accounts are wrong, parts must also be wrong; but I cannot follow a long rambling host of objections. Point out in what respect the accounts are wrong.

Mr. Duncan—You have ordered that a better cash account should be filed.

The Commissioner—No, I did not. I said it appeared necessary that better accounts should be filed, but I made no order at all. It may happen that better accounts cannot be furnished.

Mr. Whitmore (the official assignee)—He has furnished a cash account.

Mr. Duncan—Then I will call your Honour's attention to an item in No. 4 and No. 2 balance sheets.

The Commissioner—I will have things done in a regular way. I will

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not listen to anything in number 1, 2, or 3 balance sheets, except to point out anything in No. 4 that is incorrect. I have nothing to do with the former balance sheets. He now comes to pass his examination on these last accounts.

Mr. Duncan—Then, if you look to page 18 in the new balance sheet, you will find that the produce of his corn, live and dead stock, &c., realised £4797; and there is a difference of £997 in the statement in balance sheet No. 2, as it is there put down at £3800. This agrees with the accounts furnished his creditors, and we want a copy of that account, and have asked for it over and over again.

Mr. Waugh—And we have furnished it long ago.

The Commissioner—Pray do not interrupt. I wish to understand the objection of the plaintiff before calling on the defendant for an answer.

Mr. Duncan—Well, I was about to point out that there was a discrepancy of £1000, less £3.

The Commissioner—No, there is not. Both may be false or both may be true for anything I know, but the two items do not relate to the same period. They refer to different dates. I disclaim against your representations, but I will assume what you state is true—what has that to do with this meeting?

Mr. Duncan—Your Honour will remember Mr. Jermy put in an execution into the bankrupt's farm, who said the labour books, cash book, and others, were taken away; and, as he had not those books, he could not give us particular accounts. Now, I shall be able to show you that they never went out of his possession at all. I am about to examine Mr. Jermy and another person, and then I will put in eight depositions from different persons to show he never lost the books at all.

The Commissioner—Then you are going to establish an universal negative. I cannot see how you can prove that the books were not taken away if you call a thousand persons, and even if you did so, that will not prove that he has them.

Mr. Duncan—No; but I am going to show that they were removed in a chest to a certain room, and deposited in a closet, after being locked up, and that he has stated he had a duplicate key of the lock.

The Commissioner—You had better examine the bankrupt. I do not know if the other side wishes the witnesses to go out of Court.

Mr. Waugh said he certainly did.

The Commissioner—Then let all the witnesses be out of Court, or I will not examine them.

Mr. Duncan—I propose to put in eight depositions, and call Mr. Bowgen and Mr. Jermy.

The Commissioner—Then you must retire; Mr. Jermy must also retire.

The witnesses having gone out of Court, the bankrupt was examined to the following effect:—I kept a cash book and several labour books. (He gave a minute description of each.) An execution was put into my farm by Mr. Jermy on the 10th or 11th of October. I believe the books were then in a closet in my bedroom when the officers came in. I had not looked at my cash book for a week before. I had an iron chest, but I

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did not use it for the purpose of keeping my books in it. I used it for keeping papers of estate sales, my plate, and my auctioneer's books in it, but I did not keep my farm books in it. I had ceased being an auctioneer four or five years. I do not believe I ever put my cash book or any farm book in that iron chest in my life. The last time I saw the cash book was about a week before the officers came in, and it was then in the closet. I saw some of the labour books after the distress, but I then saw that some of them were gone, and I missed the cash book. I think I missed the cash book on the 17th of October. The officers were still in possession. There were two Bowgens, Fiddemont, Stubbs, Drake, Kemp, and Houghton.

The Commissioner—How came such a host to go in and seize one poor man's things?

Mr. Duncan—It is a dangerous thing in the country to seize a man's goods.

Mr. Waugh—He was eaten up by law expenses.

The Commissioner (with evident astonishment)—Surely they did not charge for each man in possession?

Mr. Waugh—Your Honour will see the account. It speaks for itself.

Examination resumed—There was a meeting of my creditors on the 16th of October, and as they were not satisfied, I went to look for my cash book on the 17th, as they wanted further accounts and vouchers. I mentioned to my housekeeper, Emily Sandford, that I had lost my cash book. I did not mention it to any of the men in possession. Mr. Waugh first came down on the 15th, and slept at my house, and on the 16th we went in a gig to Norwich to the meeting of creditors. He left for London by the mail, and I slept at Norwich that night. On the 17th I went to look after the books. The door of my bedroom had been forced, and the door of my closet was open. I first knew that the door had been broken open from Emily Sandford. Mr. Waugh returned to Norwich on the 20th, and I told him of my loss. I had made out my accounts in the first instance as satisfactory as I could, for I knew what money I had, and I told Mr. Waugh, and he wrote it down in pencil in the railway carriage as we came down. I do not recollect that I ever said to any of the officers or to any one but Mr. Waugh that I had lost my books. I did not do so, because my creditors appeared to be satisfied on the 20th, signed an agreement to take the composition, and shook hands with me in a very friendly manner. I did not look after my labour books until Mr. Jermy brought an action against me for breach of covenant. Then I looked most carefully for them, as they would have been most material to me, and I went to a great expense to supply the information at the trial which those labour books would have supplied. I was turned forcibly out of possession by Jermy in November.

The Commissioner—Why did you not bring an action against him?

Mr. Waugh—I did advise him to do so, but Jermy is a great man in his county.

The Commissioner—Then you think the prejudice is against the small man. I thought it generally prevailed against the great. I should not be afraid of a jury if I was the small man. (A laugh.)

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Mr. Waugh—Perhaps not, in London.

The Commissioner—And you think, in the country, farmers take part with the landlords; I should have thought they would rather have taken part with the tenants. It seems very odd if it is not so.

Mr. Waugh—The jurors and the landlords are more closely connected in the country than in London.

Examination continued—I do not know when I came back that I found the other doors of the rooms in the house locked or unlocked. All I know is, that my bedroom door was burst open when I returned. When I left for London, before the 16th, there was a large desk and an iron chest in my bedroom. I think both were locked, but I am not sure the iron chest was. They were removed from my best bedroom to my sleeping room. The door of that room was kept locked by the officers. I had not a duplicate key, but I think there were three or four locks which the same keys would fit. I don't recollect having opened the door with a key in my possession. It is possible I may have said to Bowgen that the key of one door would open the other. The iron chest and large desk were taken before the sale, by private contract, by me, for my mother, at Mr. Jermy's suggestion. Jermy examined the iron chest before the sale, and took out a paper.

Mr. Waugh—I do not think it is at all necessary for me to ask the bankrupt any questions. There were six or seven men in possession, and it is a double house.

Philip Bowgen was then called and said—I am a plumber, residing at Wymondham. I was employed by my father, who is parish constable, to take possession of the bankrupt's goods at Stanfield Hall farm, for Mr. Jermy, on the 11th October. The bankrupt was not there. The bankrupt's bedroom was locked; it was forced by other men. I saw an iron chest and a large desk, and a quantity of papers tied up in bundles, but I saw no books in the chest. In the desk there were some papers and small books. He stated to me that he did not want my keys, as he could go where he liked without them. Kemp gave me the keys, and I kept them. The closet in the bedroom was locked. Miss Sandford made some *nonsense* about it, and Kemp said, "Never mind, let it go." She also made some *nonsense* about bursting open the bedroom door, and said she would rather have bursted open her master's door herself. The lock was not forced off, but the spring I suppose was bad, and flew back, as we could lock it again. I never went into that room but once afterwards with Mr. Rush. The key of the bedroom was left in the door. The bankrupt and Miss Sandford could go into the room. On the 11th he passed through the house, but did not go upstairs. Neither Miss Sandford, nor any one else, complained to me that a book had been lost.

Mr. Waugh—There were altogether four distresses put in.

Cross-examined—I was there 28 days. I only went to bed once. Jermy came three or four times while I was there. I forget the first time he was there, but I think Jermy and Rush came together, but I am not sure.

Bankrupt—This man told me himself that Jermy came one morning very early by himself, and went over the house and looked into all the rooms, even where the children and Miss Sandford were in bed.

The witness denied he had ever said so.

[It is important to recollect that this man was to be called to prove he

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had seen Mr. Rush remove his books—no such question however was asked him, nor did he venture to make any such statement. After the publication of the former report, it is but justice to the bankrupt to make this remark.]

Isaac Jermy, Esq., was then examined, and said—I am the Recorder of Norwich, and landlord of Stanfield Hall and Felmingham farms. I also hold a mortgage on Potash farm, and the bankrupt has the equity of redemption. I put a distress in Stanfield Hall farm on the Monday for half a year's rent, and on the Tuesday for a whole year's rent. I distrained on both farms. The rent, subject to deductions, was £700 on Stanfield Hall farm, and on the other £270, with deductions. The reason of my putting in a distress was that Mr. Clarke, a solicitor, who had hired Stanfield Hall, sent a communication to me, while I was residing at my other house near the sea, which induced me to go over to Rush's. I saw six threshing machines at work and several dressing machines. Three of the threshing machines were at work in the barns and three in the fields, which alarmed me very much.

The Commissioner—Ah! that is, you thought he was making haste to deprive you of your rights, and that you would be as hasty.

Witness—No, I did not, for I went to Potash farm, and there I saw a hundred fine bullocks, many score of sheep, a great number of pigs, about 250, which I was told were worth 45s. each pig, and when I saw the threshing machines being worked with exceedingly good horses, and the dressing machines also well horsed, I was so satisfied that I thought, as a landlord, it would be wrong to distrain (although I had warrants in my pocket at the time prepared by my own solicitor), as there was property enough to pay me, and I returned home to Yarmouth. On the Sunday morning I had an express sent over to me to go to Stanfield Hall farm. I went there, and there I saw everything in a most lamentable state. There was complete ruin, and such a scene as I never in my life had before seen; heaps of straw were over the farm to such a height that you could walk over the top of the cattle sheds.

Mr. Commissioner Fane—Do you mean to say the straw was piled up above the tops of the beast sheds?

Mr. Jermy—Yes. If you come to thrash out for a fortnight or three weeks the straw will accumulate exceedingly. Sir, I state to you a fact, and if you do not choose to believe me, I cannot help it.

The Commissioner (reprovingly)—I do not think that is a very decent mode of expression in a Court of Justice, when I am explaining to you the difficulties which present themselves to my mind.

Mr. Waugh—And from a barrister too.

Mr. Jermy continued—I passed over the roofs of the sheds and dropped over the walls into the farmyard. There were immense heaps of straw lying about in all directions, and under one of them I found a fat pig, which must have been there six weeks. I understood there was an iron chest in his house with money in it, and I was asked to break it open, but I would not do it until some days afterwards, as I thought it might contain papers of value only to himself. I never was but once above the ground floor in Rush's house. Rush went with me upstairs and opened the chest. I expected to find £600 and upwards. I turned over some papers but saw no money.

## Appendix III.

The Commissioner—Why did you expect to find that?

Witness—Because his mother told me she had paid him for the valuation of the stock on Potash farm £600 and more on the previous Saturday. On Sunday, the 10th, the name of the bankrupt was taken off his carts, and her name was put upon them. It appeared to be a colourable possession. That lady died about a week since. I did not take either cash book or labour book from the farm. I did not authorise anybody to remove the books. The paper I took out of the chest was the draft of an unexecuted will of my father. I had the bankrupt's consent.

Cross-examined—It was the 5th of October when I went over the farm and was satisfied, and on the 10th I returned and found the straw in such a mountainous state. The two farmyards will cover nearly a quarter of an acre.

The Commissioner—Do you think this material? What if Mr. Jermy has exaggerated a good deal, you do not deny your client proceeded with great haste?

Mr. Waugh—I was going to show your Honour that his statement is incredible, when he says a pig had been buried under straw for six weeks, and yet that he was satisfied only five days before with the appearance of the farm.

Mr. Jermy—I did not see the pig.

Mr. Waugh—Oh, then you have been talking about what somebody else told you; as a barrister you ought to have known better.

Mr. Duncan—I now propose to put in the depositions of the different persons who were in possession. We have been at great expense already, and as there is not a farthing in the estate, we did not bring them up to London.

Mr. Waugh—I hope the depositions will not be received, but that the parties will be brought up, as I have to cross-examine them. They have nothing to do with the question of the accounts of to-day being satisfactory or not, and I hope your Honour will pass the bankrupt.

The Commissioner—The main question is, whether the non-production of this cash book has been satisfactorily and reasonably accounted for. The bankrupt says he left home on the 11th and returned on the 16th, when a meeting of the creditors took place. He looked for it between that and the 20th, and what became of it he does not pretend to say; but he says—"I found the bedroom door open, and I got my housekeeper to assist me in searching for it, but I have not been able to find it." He then made out the best account he could for his creditors without the use of that book. Then he says, on the 20th, "When we again met the creditors, I satisfied them; and as I thought I had got over my difficulties, I thought no more about it." So much for the cash book. Then as to the labour books, he says, "They have vanished; and, contrary to my expectations, Mr. Jermy brought an action against me for breach of covenant in my lease." He says—"I did not think I should have occasion for these books, but when an action was brought against me, I looked about more anxiously for them—particularly the labour books—because they would have supplied me with some valuable information, which I was put to considerable expense to

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obtain; but from that time, when I missed them, up to the present, I could not find them, although my labour books would have peculiarly benefited me in defending an action brought against me by my landlord. Well," he says, "that is the mode I account for the non-production of them, and if I make a guess, I should say they were taken possession of while searching for other things during the time the execution was in my house." Then, it was said, this was not a satisfactory reason; and the question for me to determine is, whether he had given such a reasonable explanation, as that he should ever pass his examination? Now it appears that he laid his affairs before all his creditors twice, and they seemed perfectly satisfied, all but one creditor.

Mr. Duncan—No; that is not so. To the amount of £642.

The Commissioner—Yes; but taking out Foster's debt of £56, who does not oppose, his own solicitor £126, who is here to support him, and his mother £200, Mr. Salter's debt is the only one of any amount. The others, I see, are nearly all £3, £5, or £8.

Mr. Waugh—And in making a composition we never take such small sums in, but pay in full. Some of them, too, have been contracted subsequently. Salter's debt was but £99, and the rest is for law costs subsequently incurred.

The Commissioner—So that of all the creditors, amounting to nearly £8000, there was but one, Mr. Salter, of Attleborough, whose debt was £100, who was not satisfied with the arrangement entered into. The bankrupt, after the composition, finding that he had other difficulties to contend with, makes himself a bankrupt, and then this George Salter comes forward, chooses himself assignee, and is the only creditor who opposes. But not only is the opposition carried on with great eagerness on the part of Salter, but I am told that I am not to pass this man's examination from the circumstance of some books not being forthcoming. I do not blame Mr. Jermy for putting in the execution—indeed, I should have been surprised, as a landlord, considering the extraordinary proceedings he had witnessed, if he had not distrained. But it was said that six or seven men were put in possession, which must have produced considerable confusion, and the bankrupt says, "I have not the books and cannot find them; I have made diligent search for them, and so long ago as the 20th of October, I communicated to Mr. Waugh, my solicitor, that I could not find them."

Mr. Waugh—And I can corroborate that upon oath, if necessary.

The Commissioner—Then it is sought to put in a number of depositions; but even if they were read, I could not come to the conclusion that this man has perjured himself, and therefore I am of opinion the cash book has been sufficiently accounted for.

Mr. Duncan then shortly examined the bankrupt as to some items in his balance sheet, but an affidavit from Mrs. Rush (sworn shortly before her death) was put in to establish the *bona fides* of the transactions between them. The learned counsel concluded by calling for the original valuations of the property sold to the mother.

Mr. Waugh—The purchaser has the original valuations. All of them were produced at the meeting of creditors at Norwich, and copies have been furnished the official assignee.

## Appendix III.

Mr. Duncan—With respect to this point, our belief is that he sold the property to his mother at a very small price, and to convince us, if we are wrong, we have asked him to give us these valuations which he might have got from his mother, but we have not had any information up to this moment. If the property had been sold by public auction we should know something more about it, but it was sold to the mother by private contract.

The Commissioner—It was either sold or not to the mother. If it was not *bona fide* sold, then it is a fraud, and you may proceed to set it aside. I shall require no further information from this bankrupt. The circumstances of this case are very extraordinary, and it is very difficult to account for the manner in which this opposition has been conducted and from very extraordinary motives. I shall substitute for any judgment of my own the judgment of the creditors at Norwich, a very large body, whose debts amounted to several thousand pounds, and who were satisfied to accept a composition of 12s. 6d. in the pound. They dealt with the bankrupt as an *honest man* who had met with misfortunes, and there was but one creditor whose opposition had driven him into this Court, and who was now following up that opposition with an eagerness it was difficult to account for. Many frivolous objections have been taken, and I am satisfied that if the bankrupt's case had been properly presented in the first instance to this Court, and he had acted with more prudence and discretion and less temper, he would have got through his difficulties much sooner. I consider he has given sufficient explanations to satisfy this one creditor, and therefore shall require no further information from him, but shall pass his examination. Passed accordingly.

His Honour—Let the earliest day be fixed for certificate.

The 15th of September was then appointed.

On the whole it may well be considered that Rush got off very well!

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## APPENDIX IV.

### RUSH'S LAST VISIT TO LONDON.

From the *Norfolk Chronicle*, 21st April, 1849.

Rush was in London about a fortnight before the murders were committed. He was seen looking into the shop window of Mr. Hickson, the stationer, in King Street, Cheapside, on Tuesday, the 14th of November, by a person who knew him, and who asked what brought him to London? He replied that he had not got his business settled yet (alluding to Mr. Jermy's mortgages), and that he had an appointment at two o'clock with Mr. Whitmore, the official assignee under his bankruptcy. The two proceeded to the Guildhall Coffee-room, when he expressed great anxiety to get "the business over." It is somewhat singular that, on this occasion, the conversation turned upon the murder at that hotel of the servant girl by Smith, the cook. He expressed his abhorrence of the crime of murder, but seemed gratified at the successful exertions which were made by Joseph Josiah Millard, Esq., of Cordwainers' Hall, and a number of influential members of the Society of Friends, opposed to capital punishment, in obtaining a commutation of Smith's sentence.

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## APPENDIX V.

### RUSH'S PAMPHLET.

The following copious extracts from Rush's pamphlet<sup>1</sup> will interest the "curious" reader. This gives Rush's view of Jermy's action against him :—

" This was an action for breach of covenant, taken by Mr. Jermy, the Recorder of Norwich, against the defendant, Mr. Rush, for breaches of covenants in a lease of certain lands on Stanfield, Wymondham, and adjoining parishes, that has been let at a corn rent, as Mr. Jermy was desirous it should be properly cultivated, such rent being to vary from £400 to £600, taking the averages of wheat from 18s. per coomb<sup>2</sup> to 32s. per coomb as the guide for fixing the rent, and the defendant was to be allowed four years to bring it into proper culture. The lease was for eleven years, and was to expire in 1848, whereas the defendant had abandoned it in 1847, after having thrashed out nearly all his corn, and sold all his stock and horses off, leaving nothing but a few fowls and one pig to satisfy the plaintiff, who was obliged to have recourse to this action for compensation in leaving it in the manner it was. He would show that the rotation of cropping had not been followed up; . . . The defendant had made a composition with his creditors; he had not left the gates in repair, and had carted away hay and turnips from the lands, contrary to the covenants of the lease.

Let any one look at the above, and then consider the baseness and villainy in bringing an action against any one under such circumstances : the fields are all there, . . . and having known the money I have expended for artificial manure, &c., and after having let his farms for upwards of £20 a year more than the farms were let to me when wheat was 6s. per quarter less than it was when the rent was set to me in 1838, and reserving to himself 79a. 2r. 16p. that is not less at present; such conduct was never before heard of, not even in Ireland, and I am determined it shall be known, for the sake of my sons, and other young people who may be led away by such rascals, and embark all their property on other people's lands; and here I warn my sons never to take larger business in hand than they have capital for, it has been the ruin of me and of hundreds besides; for even if the villain had behaved as he ought to have done, to have acted with common honesty, I should never have done myself much good, not half so much as I should if I had remained at Dalling, where I should have been complete master of what I had in hand, and also have increased my business as auctioneer and valuer, which no one had a better opportunity than I had, and no one ever had the practice I had for the time I was in it; but engaging so much business, and lying myself bare of money, and not keeping my payments up as I ought, was the ruin of me as well as hundreds of others similarly situated; but after

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<sup>1</sup> See p. 19.

<sup>2</sup> Four bushels.

## Appendix V.

all, this is no reason I should now be ruined in character by this villain, as well as my property being all swallowed up by him. He has done all he can to vilify me in every way, . . . and is well known to all those who have had any conversation with him about me, by representing me to have money, whereas he knows I have none; and I sometimes think when I had so much money by me last Michaelmas, if instead of giving it up to pay my creditors, I had kept it, and been as great a rogue as he has represented me to be, I should have been thought more of, and not shunned by some of those who have always professed so much friendship; but be that as it may, I hope the time is coming when such will not be the opinion, and that God Almighty will stand my friend, and I shall be able to show my children, that although I have to begin the world as it were again, without a sixpence I can call my own, that I shall get through much better than if I had kept the money, rather than given it up to my creditors, at least I think so, and I can safely say, and call God to be my judge, under all my trials I have gone through with, I have not been so happy for years as I am now, for ever since 1838 I have always been in debt, and particularly after the hailstorm; although the Committee acted very liberal to me, there is no one knows how I suffered; I had not the least idea of it myself at first, but I have no hesitation in saying that I could easily prove to any one I lost at least £1700 by that dreadful storm, but I have always said He that took it away can replace it, and I do not doubt for a moment, nor even has, but He will restore it when He sees fit, and my firm belief is that everything at present has turned out for the best. This fellow, Jermy, has no right to this Stanfield property; he knows it, and he knows I know it as well; his whole conduct in keeping possession and taking the name of Jermy, and his behaviour to those poor people who have a right to it, has been most villainous and disgraceful to any man who can have any pretensions to respectability, and which I should be most happy to prove when called on to do so, all of which would probably never have been brought to light if this fellow had only acted with common honesty, for I should not have taken the trouble to have gone over the multiplicity of papers that has been put into my hands on the subject; but I have now done so, and in concluding the account of the trial, will follow a case drawn up so as to show who is the real owner of the Stanfield estate and the means this fellow has taken to keep the real owner out of possession. Why I have published it is that some one who has money may come forward and see that justice may be done to this Mr. Jermy, who is the owner, and who is kept out of possession for want of the means to employ counsel, and to have the matter brought to trial. I have got lots of other documents that could be referred to, and perhaps some of them are of more importance than those mentioned in the case, as I am not lawyer enough to know this, but I am quite sure that the case as I have got it out is a good one, without any other, and I do hope some one will come forward and oust this fellow, who has not half so much right to the property as I have, much more the right heir, if it was properly brought forward; and that is why, I think, everything has turned out for the best, if those poor people should be put into possession through any steps I have now taken,

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and am about to take, they will have it in their power to make all right with me as far as having lost my property on the estate, and pay others liberally for assisting me; it has never been brought forward in the proper manner nor in the proper Court, nor have the parties had documents proper to have it brought to trial; everything is now in readiness, except the cash necessary to bring it to trial; such being obtained, I have not the least doubt but he would be bundled out, and that very quickly, as he has not the least pretension to hold it if properly brought forward, and he knows it as well; and I am not sure he has not been trying to ruin me that I might not find the money to turn him out, but God only knows; there is one thing certain, if there is any truth in the Bible, such villainy is sure to be overtaken, and that when it may be least expected; but as I have said before, all these matters I leave in His hands, being sure that judgment will come sooner or later. . . .”

The jury, as we know, returned a verdict for the plaintiff in all the pleas, estimating the gross damage at £420.

“The following is the case *Jermy v. Jermy* that I have alluded to. I have many other documents relating to the same that will, perhaps, be of much more importance than those mentioned in the case; whoever takes it up for the right heir is quite welcome to make use of them in getting out their case for counsel, and any assistance I can render them is at their service.

### CASE.—*Jermy v. Jermy.*

By Indenture of Lease and Release, dated the 4th and 5th October, 1751, the Release being made between William Jermy, of Bayfield, in the county of Norfolk, Esq., of the first part; Jacob Preston, Esq., and Frances Preston, spinster, of the second part; Richard Fuller and Samuel Horne, of the third part; Isaac Preston and Thomas Preston, of the fourth part—

It was witnessed that, in consideration of a marriage then intended and afterwards solemnized between the said William Jermy and Frances Preston, and for other considerations, the said William Jermy did convey unto the said Richard Fuller and Samuel Horne, and their heirs, among other hereditaments situate, lying, and being in Wymondham, Hethel, Ketteringham, Hethersett, Wrenningham, East Carlton, Suffield, Felmingham, Gunton, and North Walsham, in the county of Norfolk, &c., all that farmhouse, outhouses, barns, edifices, buildings, stables, with all the lands, meadows, pastures, fieldings, woods, tenements, easements, privileges, profits, rights, and appurtenances thereto belonging, or therewith used, occupied, possessed, or enjoyed, situate and lying in Bayfield, Glanford, Leatherinsett, Saxlingham, or in some or one of them, or in some town, parish, or place to them or some one of them next adjacent, then late in the tenure, use, possession, or occupation of Richard Williams, his assignees or assigns, under tenement or under tenants at and under the yearly rent of £260.

And also all and singular other the farms, messuages, lands, tenements, and hereditaments whatsoever of the said William Jermy in Bayfield, Glanford, and Leatherinsett, or any town or towns or places to them or any of them near and adjacent, or so much thereof as be freehold or copyhold,

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except all manors, lordships, manor rights, and manor rents, advowsons, and rights of patronage, and except the capital messuage called Bayfield Hall, with the gardens and plantations thereto belonging, and not then used as a farm by the said Richard Williams or his under tenants.

“To hold unto the said Richard Fuller and Samuel Horne, and their heirs, from and after the said marriage:

“To the use of the said William Jermy for life, with remainder after the termination of that estate:

“To the use of the said Richard Fuller and Samuel Horne, and their heirs, during the life of the said William Jermy, upon trust to support the contingent remainders with remainder after the death of the said William Jermy:

“To the use of the said Isaac Preston and Thomas Preston, their executors, administrators, and assigns, for 500 years, to commence and be computed from the decease of the said William Jermy, with remainder after the determination of the said term, or in case the same should not arise by the decease of the said Frances in the lifetime of the said William Jermy without issue then living by her and subject thereto:

“To the use of the first and other sons of the said William Jermy on the body of the said Frances Preston to be begotten, successively in tail male, with remainder:

“To the use of all and every the daughter and daughters of the said William Jermy on the body of the said Frances Preston to be begotten, as tenants in common in tail, with remainder in default of such issue: then

“To the use of the said William Jermy, his heirs and assigns for ever.”

And it was by the said Indenture of Release declared that the said term of 500 years was limited to the said Isaac Preston and Thomas Preston upon trust that, in case the said Frances Preston should survive the said William Jermy, they the said Isaac Preston and Thomas Preston, and the survivors of them, his executors and administrators, should, by and out of the yearly and other rents, issues and profits of the premises so limited to them, raise and pay the yearly sum of £400, unto the said Frances Preston during her life, in satisfaction of her dower; and upon trust that they should from time to time, after satisfaction of the said annual sum of £400, permit and suffer the said premises, or the residue of the said rents and profits, to be had and received by the sons and daughters of the said William Jermy, who thereby or otherwise might become entitled to the immediate inheritance thereof.

And upon further trust that, if there should be no issue of the said marriage living at the decease of the said William Jermy, or if all the issue living at his decease should die during the life of the said Frances Preston, then the said Isaac Preston and Thomas Preston, their executors and administrators, should, with all convenient speed after the decease of the said William Jermy without issue, or after the decease of such issue in the lifetime of the said Frances Preston, by and out of the rents and profits of the said premises,

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or by mortgage, demise, sale or disposition thereof, or any part thereof, for all or any part of the said term, or by all or any of the said ways and means, or by any other ways and means, levy, raise, and pay the sum of £5000, at such time and times, and in such share and proportions, and to such person or persons as the said Frances Preston by any deed or deeds, writing or writings, or by her last will (whether she be sole or covert) executed in the presence of two or more credible witnesses, should give, devise, appoint, limit, and order, and for want thereof.

“Then in trust to raise and pay the sum of £5000 her executors and administrators.”

And it was by the said Indenture of Release further provided, that, from the decease of the said Frances Preston, all the arrears of the said yearly sum of £400, and the charges of the trust, should be paid if the issue of the said William Jermy and Frances Preston then living, or if there should be no such issue then living, as well upon payment of the said arrears as the aforesaid £5000, by the person or persons who should be entitled to the inheritance or immediate reversion and remainder of the said premises, together with interest for the same for one year next after the decease of the said William Jermy and failure of issue, and the costs and expenses of the said trusts, the said terms of 500 years should cease and be void.

And the said William Jermy did, by the said Indenture of Release, covenant with the said Richard Fuller and Samuel Horne, that he the said William Jermy would, at their request, surrender the copyhold part of the said premises—

To the use of the said Richard Fuller and Samuel Horne, and their heirs, upon the trusts aforesaid; and that, until such surrender or surrenders, he the said William Jermy and his heirs would stand seized of the said copyhold premises in trust for the benefit of such person or persons, and should from time to time permit the same to be by them possessed and enjoyed, along with and in such manner, and for such estates, intents, and purposes, as concerning the said freehold premises are therein limited and declared, and as the same would have gone and been enjoyed by virtue of the limitation aforesaid in case the same had been freehold, and as near thereto as the tenure thereof would admit.

1751, December 12th, the said William Jermy duly made and executed his last will and testament; and thereby, after reciting that by virtue of the said marriage settlement the reversion or remainder in fee simple of and in the freehold hereditaments therein mentioned, expectant upon divers particular uses and limitations thereby created for the benefit of him and his wife and the issue between them, stood limited and settled to the use of him and his heirs, and that the reversion or remainder of, and in divers copyhold lands and tenements therein mentioned, expectant on divers particular estates and limitation thereby agreed to be limited thereof for the benefit of him and his wife and the issue between them, was also vested in him and subject to his disposition; and after reciting that he was seized of divers manors, freeholds, messuages, lands, tenements, and hereditaments in fee simple in possession, and that he was seized to him and his heirs of divers copyhold lands, tenements, hereditaments, &c.—

His will was, that if he died without issue living at his death, or born

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afterwards, then he gave and devised all the said freehold and copyhold messuages, lands, hereditaments, and premises whereof and wherein or to which he was seized in fee simple, in possession or reversion respectively as aforesaid, and all other his freehold and copyhold messuages, lands, tenements, hereditaments, and premises wheresoever and whatsoever, and every of their appurtenances, unto—

- “ Henry Palmer Watts and Jermy Harcourt, and their heirs, to the several uses for the purposes hereinafter mentioned, viz. :—
- “ To the use of Frances his wife for her life; and after her decease,
- “ To the use of Watts and Harcourt, and their heirs, in trust, to preserve the contingent remainders herein, after limited from being defeated or destroyed to bring actions, and to permit his wife to receive the rents during her life; and afterwards,
- “ To the use of Jacob Preston for his life; and after the termination of his death,
- “ To the use of Watts and Harcourt, and their heirs, &c., to preserve the contingent remainders,
- “ To the use of the first son of the said Jacob Preston, lawfully begotten, and the heirs male of such son; and in default of such first son, to the use of the second, third, fourth, fifth, and sixth, and all and every other son, and their heirs male; and in default of each male issue,
- “ To the use of Thomas Preston, of the city of London, merchant, brother of his said wife, for his life; and after the termination of his death,
- “ To the use of Watts and Harcourt, and their heirs, during the life of the said Thomas Preston, in trust to preserve contingent remainders; and after the decease of the said Thomas Preston, to the use of the first and other sons of the said Thomas Preston, as tenants in tail male; and for default of such issue, then
- “ To the use of such male persons of the name of Jermy as should be the nearest related to the testator in blood, and to his heirs and assigns for ever.”

And the testator willing that his library of books should be used and enjoyed, but not sold or disposed of by such person or persons who should be entitled to his capital messuage, or mansion-house, at Bayfield, but to go as heir looms, provided by his said will, that such person or persons who should be entitled to the said hereditaments and premises, by virtue of any of the said limitations aforesaid, when and as they respectively come into the actual possession of the said hereditaments, or any part thereof, by virtue of any of the limitations aforesaid, and during such time as they respectively should be in possession of the said premises or any part thereof, should take and use and continue to use the surname and bear the arms of him the said William Jermy, and should in all deeds, writings, letters, and other instruments of writing, be styled and called by the name of Jermy, and set and subscribe and write his and their surname respectively Jermy to all and every such deeds, writings, letters, &c., and should with all convenient speed after

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they respectively come into the actual possession of the said hereditaments and premises or any part thereof, apply for and endeavour to procure an Act of Parliament to be passed for establishing and confirming the said surname and arms of him the said William Jermy, in and upon him or them and their issue respectively. Inheritably under that his will, and that in default thereof the person or persons neglecting, refusing, or disusing to do so, should not have or take any estate, interest, or benefit, from or under or by virtue of that his last will and testament, or any of the limitations therein contained, and in such case the person or persons who by virtue of that his last will should be entitled to take next in remainder after the person or persons so refusing, neglecting, or disusing, should enter upon, have, and enjoy, the said hereditaments and premises for such estate and estates, and in as full and beneficial manner to all intents and purposes as if the person or persons so neglecting or refusing or disusing, were actually dead. Provided further, and it was his mind and will that such person or persons in remainder who should be entitled by virtue or in consequence of such refusal, neglect, or disuse should take and continue to use and bear the surname and arms of him the said William Jermy in manner and form aforesaid.

The said William Jermy died on the 21st January, 1752, and his will was proved by his widow, Frances Jermy, on the 17th March following, leaving Ann the wife of John Mallison his heiress at law.

*August 18th, 1753.*—By an indenture so dated (and also tripartite) made between the said Francis Jermy, Isaac Preston on behalf of his son the said Jacob Preston, a minor, and the said Thomas Preston of the first part, the said John Mallison and Ann his wife of the second part, and the said Henry Palmer Watts and Jermy Harcourt of the third part, after reciting the said will and that the said William Jermy died without issue.

It was witnessed that the said John Mallison and Ann his wife, at the request of the said Francis Jermy, Jacob Preston, and Thomas Preston, did confederate with the said Watts and Harcourt, the trustees to the said will, that they the said John Mallison and Ann his wife would before the end of Hilary Term next levy a fine sur conuzance de droit, &c., of all the manors and hereditaments late of the said William Jermy deceased (except an estate at Pulham, in the said county). And it is thereby declared that the said fine should enure to the several uses declared and expressed in the said will concerning the same except as to the last limitation which could not thereby possibly be confirmed, but was agreed to be left to the construction of law.

And the said John Mallison did by the said indenture tripartite, agree with the said trustees, Watts and Harcourt therein named, that he and his said wife Ann Mallison or her heirs would surrender and release the copyhold part of the said premises to such person or persons, and in such manner as the said trustees should acquire, to the intent that the said copyhold premises should go and be enjoyed according to the said will, except as to the last limitation therein contained.

*Michaelmas Term, 27, Geo. II.*—A fine sur conuzance de droit come ceo, &c., levied pursuant to the said indenture (tripartite) wherein the said Watts and Harcourt were plaintiffs, and the said John Mallison and Ann his wife were defendants, of the manor of Bayfield, Glanford, and all the other estates, late belonging to the testator William Jermy.

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It appears that the object of this arrangement was to bar the ultimate limitation in William Jermy's will, and that Mrs. Mallison the heiress at law (in consequence of being cut off by the late limitation named and expressed in the will of the said testator), with her husband, Mr. Mallison, claimed the remainder in fee under the supposition that such ultimate limitation might be void.

The copyhold part of the estates not having been surrendered to the testator's will, was taken possession of by the Mallisons, and the aforesaid collusive arrangement was in consequence entered into by the Prestons. The Mallisons and the trustees under the said will agreed that a fine should be levied of all the lands and estates belonging to the testator (except an estate at Pulham, which was given to the Mallisons), and in consideration thereof for Mallison and his wife to surrender the copyhold to be enjoyed according to the tenor of the will of the said testator William Jermy.

The levying of this fine does not it is conceived in any way operate against the contingent claimant who may be entitled to take under the ultimate limitation, viz.—that male persons of the name of Jermy who should be the nearest related in blood to the testator; for the fine ex-facie of itself leaves it decidedly open to the construction of law.

It will be observed that neither of the said parties who levied the said fine had any estate of freehold at the time the fine was levied. It therefore must be in its uses invalid, and may, it is submitted, be at any time set aside by the parties entitled to take under the last limitation of that pleading. Bacon's Abridgment, 1832, Vol. viii. pp. 647, 68. Shepherd's Touchstone, p. 14, West Symb. No. 2, 13; Doe v. Holmes, p. 3; Wills, 249, Smith v. Packhurst, p. 3; Alk. 141; Row v. Power, 2 N. R. 1 Doe v. Williams; Couper, 621; Carshampton v. Carshampton, Trk., J. R. 567 Doe v. Spencer, 11 East, p. 496.

Isaac Preston (the party on behalf of his son Jacob, a minor to the aforesaid indenture of August, 1753), did afterwards confederate with one Francis Jermy, of North Walsham (an "attorney at law"), to enter into a bargain and sale, and by an indenture dated the 30th April, 1754, enrolled in Chancery, and made between the said Francis Jermy, described as son and heir of Anthony Jermy, of the one part, and the said Isaac Jermy of the other part, reciting that the said will of William Jermy, deceased, and that the said Francis Jermy party thereto was become entitled to the hereditaments devised as aforesaid after determination of the several intermediate estates and remainders by the will devised as being the male person of the name of Jermy nearest related in blood to the testator.

It was witnessed that the said Francis Jermy in consideration of £20 did grant, bargain and sell to the said Isaac Preston, his heirs and assigns, all the manors, messuages, lands, tenements, and hereditaments which were late the estate of the said William Jermy, the testator, whereof or wherein the said Francis Jermy had any estate of inheritance or freehold, situate in Bayfield, Glanford, Leathersett, Saxlingham, Wymondham, Hethersett, Ketteringham, Carlton, Suffield, Felmingham, Gunton, Antingham, Tasburgh, Foncett, or elsewhere, in the county of Norfolk, &c.

This bargain and sale between Isaac Preston and Francis Jermy, the present claimant presumes, was fraudulently got up by the said parties, for

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the express purpose of defeating the claim of the contingent remainder man, being such male person of the name of Jermy as should be the nearest related to the testator in blood as should really answer that description.

The said Isaac Preston seems, however, to have had great doubts and misgivings that it should be discovered that the said Francis Jermy was not the remainder man in fee answering the above description, for in the following month of September he obtained a similar conveyance of such estate in remainder from another party, as such male person, nearest related to the testator, William Jermy, in blood, viz. John Jermy, of Great Yarmouth, a poor illiterate day labourer, and ancestor of the present claimant, for a similar sum of £20.

And by an indenture of bargain and sale, dated 19th of September, 1754 (enrolled in chancery), reciting the will of the testator, and that the said John Jermy had become entitled to the said remainder so devised as aforesaid, after the determination of the several intermediate estates and remainders by the said will of the said testator devised as being the male person of the name of Jermy nearest related in blood to the testator—

It is witnessed that the said John Jermy, in consideration of the sum of £20, did grant, bargain, and sell unto the said Isaac Preston, his heirs and assigns, viz.—all the manors, messuages, lands, tenements, and hereditaments whereof and wherein the said John Jermy had any estate of inheritance or freehold, situated in Bayfield, Glanford, Stanfield, Tasburgh, Uphall in Boylands, Leathersett, Saxlingham, Wymondham, Hethersett, Ketteringham, Carlton, Suffield, Gunton, Felmingham, Antingham, Pulham, Foncett, all and every other estate in the said county of Norfolk, &c., which were lately the estate of the testator William Jermy, deceased, to hold unto and to the use of the said Isaac Preston, his heirs and assigns for ever.

This purchase from John Jermy, the present claimant, who is his grandson, submits is fraudulent; as well on account of the very inadequate sum of £20 being given as the consideration money for such valuable and extensive estates, as on account of the deed of conveyance having been designedly obtained from an extremely illiterate man, who was in no manner cognisant of the value of the estates, or of his interest therein in remainder, by Isaac Preston, an experienced, educated, and intelligent individual, and a trustee for a term of 500 years, under the marriage settlement of the testator, and who by means thereof and otherwise, had notice of the right he was purchasing, which the illiterate vendor had not.

There is no doubt that John Jermy was the male person nearest related to the testator, William Jermy, in blood, at the time of his death.

The property to inheritance whereof in remainder John Jermy was at the date of sale of his interest therein for £20 entitled, was worth at that time, September, 1754, of very large value, and the prior estates to which his remainder was subject, and upon which it was contingent, were the following only, as the testator, William Jermy, had died without issue in January, 1752, viz.—1st, the life interest of Frances, his wife, who died in 1791; an estate for life in Jacob Preston, with remainder to his first and other sons in tail male; and an estate for life in Thomas Preston, with remainder to his first and other sons in tail male.

Jacob Preston died in 1778 without issue.

Thomas Preston died in 1772 without issue.

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So that the contingent remainder was subject to three estates for life and the possibility, or two estates in tail male (neither of which, in fact, ever arose); therefore the contingent remainder of John Jermy, the labourer, must, in 1754, have been worth at least a hundred times £20.

Isaac Preston, the vendor in the deeds of bargain and sale of 30th April and 19th September, 1754, died in 1768, having by his will, dated 25th November, 1764, and executed and attested so as to pass real estate, devised as follows, viz.—“ And whereas I am seized of certain contingent remainders in fee and reversionary estates and interests in the several manors, messuages, lands, tenements, and hereditaments, by me already (as I think) settled on my son Jacob and the heirs male of his body, either by the marriage settlement of his mother, or by any voluntary or other settlement, to prevent, as far as I can, any dispute concerning the same, I give and devise all and every the manors, messuages, lands, tenements, and hereditaments, in the said towns hereinbefore mentioned, or elsewhere in the kingdom of England, their appurtenances, and not hereinafter mentioned and devised, or in or by any codicil thereto, to my son Jacob Preston, and the heirs male of his body; and for the want of such issue male, to the children and heirs male of my body successively and in remainder, one after the other, as they shall be in seniority of age and birth; and for want of such issue male of mine or my son Jacob's body, to my brother, Thomas Preston, and the heirs male of his body; and for want of, and in default of such issue to all and every my daughter and daughters, and their heirs, as tenants in common, and not as joint tenants, or to my own right heirs.”

A codicil was made by the testator to this will, which did not, however, affect the devises hereinbefore set out.

Jacob Preston and Thomas Preston, the two tenants in tail mentioned in the will of Isaac Preston, are the two tenants for life mentioned in the will of William Jermy and both of them, as before stated, died at the times before-mentioned without issue.

Isaac Preston, the testator, had also another son, named Isaac, who ultimately took the estates, which passed under the devise before extracted from the will of his father.

Isaac Preston, the testator, died in 1768, and in 1792, Frances Jermy, the widow; Jacob Jermy, the nephew; and Thomas Preston, the brother; the three tenants for life under the will of William Jermy being then dead, Isaac Preston, the son, suffered a recovery of all the estates devised by the will of William Jermy, with ultimate remainder to such male person of the name of Jermy as should be nearest related to him in blood, with the view of acquiring or cementing an absolute estate of inheritance in them, and died in 1796 without issue, having by his will, dated in July, 1792, and executed so as to pass real estate, entailed, or purported to entail the estates of the late William Jermy upon his, the said last-named Isaac Preston's younger brother, the Rev. George Preston, for life, with remainder to his son Isaac Preston, for life, and his son Jermy Preston, with remainder to the heirs male of his body severally and successively.

The Rev. George Preston died in 1837, leaving his son, the present Isaac Preston, surviving, who thereupon took, and has since kept possession of the estates of the late William Jermy, . . .

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The said petitioner, Isaac Preston, openly and explicitly avows that he absolutely derives his sole right and title to the said estates and hereditaments expressed in the will of the said William Jermy, and also in virtue of the considerable purchase effected by his grandfather in 1754; and that, in consequence, by his said petition he humbly craves that he may be allowed to bear and carry the name and arms of the testator, William Jermy, under the strict pain of forfeiting the said estates. From this special application to the Crown it decidedly shews and establishes the fact, that his grandfather, his uncle, nor his father, the Rev. George Preston, had ever used or assumed the name of Jermy, or carried the armorial bearing of the said testator, William Jermy; therefore his ancestors had undoubtedly incurred a breach of forfeiture of all or any right which they might have had or assumed.

From the direct evidence already adduced it is clear and manifest that the present possessor, Isaac Preston (alias Jermy), is, as well as his ancestors were, in full knowledge and possession of the contents of the limitations in the will of the said testator, William Jermy; and although the petitioner's uncle, Isaac Preston, immediately after the death of Francis Michell, in 1792, suffered a recovery of the estates to defraud the remainder man, who was then called under the will of the testator, still that can be no bar to the present claimant, either at law or equity; for if a purchaser with notice to strengthen his title, levy a fine, &c., and five years were to pass without a claim, would be inoperative, and therefore could be no bar.—Sugden, "Law of Vendors," p. 663.

Under all the foregoing circumstances and decided facts, it is submitted that the present Defendant cannot set up the Statute of Limitation against the party now claiming (viz. Thomas Jermy) under the last limitation of the said will, being the nearest male person of the name of Jermy related to the late testator in blood, seeing that this very will of William Jermy is founded on by him, the said Isaac Jermy, as his only title, which can in no manner be adverse from the plaintiff's title; and the third section of the statute 3rd and 4th William IV. excepts wills from its operation:—"any instrument other than a will." And the 20th section of that Act also declares that in cases of fraud no time shall run whilst the fraud remains concealed. Now, the fraud and conspiracy in this instance was not discovered until the year 1838, which were traced out and detected under the following peculiar circumstances, viz. that on the 18th of June, 1838, public notice by the Daily Journals was given of the sale of the extensive and valuable library of books, &c., &c., at Stanfield Hall, by order of Isaac Preston (now Jermy), the administrator to his late father's effects, the Rev. George Preston, which books belonged to the said testator, William Jermy, and were intended by his said will to pass as heir-looms. Amongst the books were discovered two pamphlets; the one entitled "A Narrative of the Disputes between Isaac Preston (who purchased the estates for £20) and John Mitchell, Esq., 1758." The other pamphlet was Isaac Preston's to a libel, entitled "A Narrative of the Disputes."

These two books gave the claimant the first hints of this mysterious and concealed fraud; and on the 7th September, 1838, a notice appeared in the "London Gazette," by Royal authority, for Isaac Preston to use, assume, and bear the name and arms of Jermy in lieu of Preston; and in consequence

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of that notice a copy of the petition and Royal warrant above referred to was obtained from Herald's College, London; and if it had not been for the said petition to her Majesty, it would have been impossible for the claimant, or any person on his behalf, to have traced out or discovered by any means or diligence how or in what way or manner, or under what title and authority, the Prestons first obtained possession of the estates under the will of the said testator, William Jermy. After a great deal of anxiety, trouble, researches and expense, the two deeds of transfer in 1754, from Francis and John Jermy, were discovered, as well as the pamphlets and other documents before referred to, all of which, it is assumed, decidedly establishes the concealed fraud and conspiracy; and, therefore, if the statute could run at all, it can only commence from the year 1838.

Counsel will please to consider, under all the facts and circumstances of the case, viz.—

1st. Whether the pedigree of the claimant is fully made out and established?

2nd. Whether the devise by the testator, William Jermy, to such male person of the name of Jermy as should be nearest related to him, in blood, would be construed solely to that male person who was then alive at the death of Mrs. Mitchell in 1791, when all the prior limitations under the said will become exhausted? If so,

3rd. Whether the alleged purchases made by Isaac Preston in April and September, 1754, from Francis and John Jermy, or one or other of them, could not be set aside on the ground that they had no power vested in their persons to make such a grant on the one hand, and the inadequacy of the consideration on the other?

4th. Whether the defendant can now legally set up the indenture of bargain and sale (obtained from John Jermy, September, 1754), in consequence of his grandfather, Isaac Preston, having concealed the same in his evidence from the suit in Chancery, and solemnly sworn, December 3rd, 1756, in his answer to the said bill, filed, page 57, in Chancery by Mr. and Mrs. Mitchell; that he, the said Isaac Preston, claims no right to or interest in the said William Jermy's estates on his own account, or any other manner than as a trustee of the term of 500 years, save only such right as may be demised to him from or under Mr. Francis Jermy, of North Walsham, deceased?

Answer to the bill, page 57, saith he claims no right to or interest in the said William Jermy's estate, on his own account or any other manner, than as a trustee of the said term of 500 years, save only such right as may be demised to him from or under Mr. Francis Jermy, of North Walsham, deceased.

5th. Whether Isaac Preston's (trustee under the marriage settlement for the term of 500 years) indentures of bargain and sale from Francis and John Jermy were not invalidated when the High Court of Chancery decreed, 25th February, 1762, that the testator's estates should be sold, or sufficient part thereof, to satisfy the dower of the testator's widow?

6th. Whether the alleged purchases by the said Isaac Preston would be considered sufficiently legal by the Ecclesiastical Court to enable him to defeat the ultimate limitation of the said will vested in trustees, and to devise the testator's estates away in fee-simple by his own will in 1764?

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Whether Isaac Preston, uncle to the defendant, who suffered a recovery in 1792, and defendant's father, the Rev. George Preston, both of whom, as appears by the said defendant's petition to the Queen, that they, the said Isaac and George Preston, inherited the said estates under his grandfather's will, but by virtue of the limitation of the will of the testator, the said William Jermy; did or did not, in consequence of not establishing and confirming the name and arms of the said William Jermy upon themselves and their issue respectively and inheritably under the stringent clauses of the testator's will, forfeit for neglecting or disusing so to do all right (if any) which they derived or might have derived by virtue of the said will of William Jermy, 1751?

Whether the testator, William Jermy, being lord of the manors and patron of the churches, with the advowsons appendant, which he could have possessed, conveyed, or willed with the manors (being annexed to the possession of the manors) would not allow the claimant the full extension named in the statute, that of sixty years?

### *Further Queries for Counsel.*

1. Whether James Jermy (through whom his cousin now claims), having brought an action of ejectment against the Rev. George Preston, just after the passing of the Statute of Limitations, Wm. IV. c. 27, was not entitled to five years, according to the 15th section of the said Act, in which it is clearly laid down that where the profits of the land or the receipt of the rents shall not, at the time of passing of the said Act, have been adverse to the right or title of the person claiming to be entitled thereto shall not be barred, notwithstanding the period of twenty years?

2. Whether the defendant, Isaac Preston, is entitled, under the will of the testator (as expressed by his petition to her Majesty the Queen), to bear the name of Jermy, and to blazon and matriculate the proper coat of arms of that ancient family in prejudice to the heir, Thomas Jermy?—if not,

3. Whether Isaac Preston's petition to her Majesty could be set aside for fraud?

4. Whether the evidence of Mr. Larner would be admissible in this case, viz., that he has frequently heard the youngest daughter of John Jermy, viz.—Dinah, and other members of the family, say on various occasions that John Jermy, their grandfather, could not read nor write?

Whether the concealment by Isaac Preston of the indenture of the alleged bargain and sale, with John Jermy's of Great Yarmouth signature affixed, in his sworn answer to the bill, 1756, filed by Mr. and Mrs. Mitchell, might to some extent support the allegations of Mr. Larner, so that the Court of Chancery would view that instrument as a corrupt forgery?

Copies of MS. documents can be produced, which will show what money has been taken out of Court by the aforesaid Isaac Preston, alias Jermy, for money deposited on sale of property belonging to the aforesaid William Jermy.

These preconcerted purchases the claimant submits as fraudulent, as well on account of the very inadequate sum of £20 being given for such valuable and extensive estates.

“ Lord Eldon, in the case of *Coles v. Trecothick*, 9 Vesey, jun. p. 234, says, That unless the inadequacy of the price is such as shocks

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the conscience, and amounts in itself to conclusive and decisive evidence of fraud in the transaction, it is not sufficient ground for refusing a specific performance."

This deed of conveyance was designedly obtained from an extremely illiterate man, John Jermy, who was in no manner cognisant of his right expectant, by Isaac Preston, an experienced and intelligent individual, and a trustee under the marriage settlement of the testator, who had notice of such rights.—*Evans v. Liuellin*, 2 Brown, C. C. 150. Such a transaction will be set aside, although no actual fraud is proved.—Sugden, "Law of Vendors," 8vo, London, 1818, p. 229.

The deed granted by John Jermy cannot be sustained as an instrument granted for a valuable consideration, for the extreme inequality of the price is so exceedingly strong, gross, and manifest, that it is impossible to state it to any man of common sense without producing an exclamation of the inequality of the price; and when this is the case, such a deed will be set aside.—Sugden on the "Law of Vendors," London, 1818, p. 228.

Counsel will observe, in perusing the will of the said William Jermy, p. 12, that the testator could never have intended or anticipated for a single moment, that his poor relation, John Jermy, a labourer (although nearest related to him in blood at the time of his death), should or would ever succeed to the ultimate limitation or reversion in fee named in his said will, for the bequests to him in his said will is most imperatively laid down, viz.—"I give to Mr. John Jermy, of Great Yarmouth, only six guineas, to be paid quarterly." This limited bequest is cogent proof of the testator's mind at the time of executing his last will, that the ultimate remainder should not be vested in that male person of the name of Jermy, nearest related to him in blood, until the prior limitations expressed in his said will should be exhausted. The said John Jermy died in or about 1781, before the testator's widow, the first tenant for life, who died 1791; therefore Isaac Preston's purchase of John Jermy is presumed to be abortive.

The fact is also borne out by Isaac Preston in his narrative, p. 39:—

"Mr. Jermy's intentions are well known to all the family; and what they were at the time of his marriage settlement I have sworn; and if this will not satisfy Mr. Mitchell, let him consider his will, by which he has given all his estates, both in or out of the settlement, to his wife for life, and then, on condition of their taking his name and arms, makes a special entail on my son and brother; and at last he gives it to he knew not whom, provided only it was a male of his name and blood."

1756.—In Easter Term the said John Mitchell and Frances his wife filed a bill in Chancery against Isaac Preston, the grandfather of the present possessor of Stanfield Hall, &c. and trustee for Mrs. Mitchell, his sister, Jacob Preston, the other tenant for life, and trustee for his sister, Mrs. Mitchell, John Mallison, and Ann his wife, the heiress-at-law, Henry Palmer Watts, and Jermy Harcourt, trustee under the will of the testator appointed to preserve contingent remainders, which suit, on the death of the said Ann Mallison, was revived, and George England Mallison, her son and heir-at-law, made a party thereto, praying amongst other things, that the said will of the

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testator, William Jermy, might be established, and the trusts thereof carried into execution and effect, and that a sufficient part of the testator's real estate, comprised in the said marriage settlement, might be sold in the first place to raise the sum of £5,000, with interest from the testator's death, or at least from one year next after his death; and also to raise and satisfy the value set upon the annuity of £400, or otherwise, that the said estates might be sold, subject to the said annuity, and that all proper persons might join in such sale. And the said several defendants put in their answer to bill.

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By a Decree of the Court of Chancery, dated 25th Feb. 1762.—[*London Gazette*, No. 10625, from Saturday, May 17, to Tuesday, May 20, 1766.]

To be peremptorily sold, pursuant to a decree of the High Court of Chancery, before Thomas Harris, one of the Masters of the said Court, at his chambers in Lincoln's Inn, on Wednesday, the 25th day of June next, at five in the afternoon, the following estates, for the remainder of a term of 500 years, viz. a farm, consisting of a messuage and about 700 acres of land, situated at Bayfield and town adjacent, near Holt, in the county of Norfolk, now let to Richard Johnson at £350 per annum, and also three cottages, near Holt aforesaid, let at £5 17s. per annum.

December 3, 1756.—See answer to bill, p. 57. Isaac Preston saith that he claims no right to, or interest in the said William Jermy's estate on his own account, or any other manner than as a trustee of the said term of 500 years, save only such right as may be derived to him from or under Mr. Francis Jermy, of North Walsham, deceased, the male person of the name of Jermy nearest related to the testator, William Jermy, at the time of his decease.

Counsel will please to observe that it is evident, from the primogenial line of descent of the Jermy family of Gunton, that John Jermy, of Great Yarmouth, was the nearest related to the testator in blood at the time of his death; therefore the purchase by Isaac Preston from Francis Jermy could be of no effect; and in corroboration of this fact, Isaac Preston hath decidedly sworn in his answer that he derives his only title to the said estates under no other male person of the name of Jermy than the said Francis Jermy, of North Walsham; but for the sake of argument we will suppose he derived his title from John Jermy. The High Court of Chancery has effectually invalidated that indenture of bargain and sale, for the said Court of Chancery decreed that a sufficient of the said testator's estates, under his marriage settlement and will, should be sold to satisfy £5,000, the dower of Frances, the testator's widow.

November 25, 1764.—The said Isaac Preston executed his last will and testament, and after bequeathing all the estates which he had at Beeston, he bequeathed all the estates which he had purchased for £20 in the most inexplicable manner, as will be observed by the following extract (see will, p. 3):—"And whereas I am seized of certain contingent remainders in fee and reversionary estates and interests in the several manors, messuages, lands, tenements, and hereditaments, by me already (as I think) settled on

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my son Jacob, and the heirs male of his body, either by the marriage settlement of his mother, or by any voluntary or other settlement, to prevent, as far as I can, any dispute concerning the same, I give and devise all and every my manors, messuages, lands, tenements, and hereditaments in the said town hereinafter mentioned, or elsewhere, in the kingdom of England, with their appurtenances, and not hereinafter mentioned and devised, or in or by any codicil thereto, to my son, Jacob Preston, and the heirs male of his body," &c.

1768.—He died, and his widow proved his will that year. In consequence of the collusive purchases for £20, the said Isaac Preston bequeathed the said estates, which had been settled on his son Jacob (a tenant for life), as if he had been at the time infest and seized of the said William Jermy's estates in fee simple, and by this nefarious act, he endeavours completely to defeat the testator's intentions, contrary to all rule and principle of ecclesiastical law. The said Isaac Preston not only innovates and alters the destination of the limitation of the will of the said William Jermy, but endeavours fraudulently, by entering into a conspiracy with certain parties, to supersede the same altogether."

Rush also gives an account of his "commencement" under the Rev. George Preston:

"I had frequently done business for my father with the late Rev. George Preston; he not only knew me by repeatedly writing to him, but he also personally knew me; times were very bad for farming, and he had often talked of giving up his farms, and had said I should have what part I liked when he did so, but should prefer my taking the whole; in the meantime, one of his tenants at Felmingham would not hold under him any longer; he wished me to take that, and I did so, under an agreement for 18 years, from Michaelmas, 1835, at £110 per annum.

He also gave me an agreement for my father-in-law for the same term at £130 per annum. Corn still continued very low, and at Michaelmas, 1836, I took the Stanfield Hall farm for 12 years, at £500 per annum; in 1837 the Rev. George Preston died, and by March, 1838, the leases were all declared not legally made, in consequence of there not being a proviso for re-entry in case of non-payment of rent, or some such blunder of the lawyer who made them, although he was chosen by the Rev. George Preston; and the present plaintiff was consulted by me and Mr. Millard on the business, and made no objection. I will call a witness to show you that up to this time, the 5th of March, 1838, the time the leases were set aside, only 17 months, I had expended £2373 3s. 8d. for labour alone, averaging £34 18s. every week, besides £712 7s. 7d. for artificial manure, &c., and this, be it observed, on only 422 acres, 2 roods, 19 perches of arable land, there being 260 acres, 2 roods, 19 perches of pasture; but this man, the plaintiff, who then, as he has done thousands of times since, and even up to the present time, professed to be my friend, said he only wanted what was a fair rent, offered to let me have the Stanfield and Felmingham farms, which I had been farming, and my father his farm, for 12 years, at the rent Mr. Millard should set on them; and I believe Mr. Newton was employed to assist Millard in setting the rent of the Stanfield farms. After having spent all my money

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on the farms, I had no alternative, and the rents were set, and the Stanfield Hall farm was taken according to the present lease."

After going into particulars of expenditure, as he states, of the prices of corn and the farming expenditure in labour, Rush thus proceeds :

"I will also show you, Gentlemen, that the Rev. George Preston had tried to let his Stanfield farms before I had anything to do with them; that from 1833, to the time I took them off his hands, Mr. Margitson had applied to get him tenants, but could not, and the present man, the Recorder, told me as soon as I had the offer, that no one he should like better for a tenant than myself, but he was fearful I should not be able to get through with his father. I will show you that I was not so over anxious about Hall's farm, Felmingham; that we did not close our treaty for that till Mr. Preston wrote for me specially to do so. I will also show you letters to Mr. W. S. Millard, and Mr. W. S. Millard's letters; that he was consulted, and the Recorder consulted, and that Mr. W. S. Millard was appointed to make the valuation of the Stanfield farming covenants between us.

I will also show you that the present Recorder, however he has treated me since, was quite agreeable to come to me for money when he required it, through his father, and that in all my transactions and doing business for his father, I never had a farthing for so doing in my life, and that I will defy him to prove I ever asked for a farthing till after the leases were done away with. I will show you that my accounts were examined and allowed by the Rev. George Preston, up to July, 1837, and from that time, and what accounts were afterwards entered, making altogether, as per book, £2124 19s. 4½d. paid on the Rev. G. Preston's and administrators' account, and £2042 19s. 2½d. received. These accounts, I will show you, were examined and allowed by the present Plaintiff, the Recorder, and he paid me the compliment to say, no one else could show such satisfactory accounts, having been kept with his father, and I was paid the balance due to me from such book without the least hesitation; any stranger to have done the above business, would not have charged less than £100; but my knowing I had good agreements, &c., and he always behaved so well, I never thought of making a charge.

I do not wish you to suppose that I have lost all my money by the farms being rented too high; I lost it by involving myself in debt, by the immense outlay on the farm and law expenses. I paid his lawyer's bills when the leases were done away with, £180 15s. 1d.; which I will show you, besides my own. I lost at least £1700 by the hail-storm, besides the liberal allowance I received from the Committee; and here I will just observe, I never got a shilling of the Recorder, but he even refused to pay me £11 13s. 8d. that I paid for having the windows mended after the storm.

The present Plaintiff, when he came into possession, took it into his head to pull the Hall and all the offices down, and offered them to several people for that purpose. I persuaded him all I could not to do so, but he would, and after I found he was determined to do so, I bought the Hall, with the offices, with the understanding that I could have pulled them all down immediately, or have the whole of my term to do so. In less than two years he altered his mind, and I let him have the Hall as it is now standing,

## Appendix V.

with the coach-house and stable back again for the same as I gave him, which was only £1000; at the very time he took them they were worth to him at least £6000; yet for all this, you see how I have been treated."

Here follow various other payments by Rush and his mother, as he says, for Mr. Jermy and the solicitor's bill. He then adds:

"The only terms I have had the offer of settling this business was to give up all what they have got of mine and my mother's and cry quits; and if I would let the Plaintiff have the Potash Farm for what it is mortgaged for, he could give us a lease of the Felmingham farms at an advanced rent of £30 per annum more than is now paid; and this, be it observed, after it can be proved he has told more than fifty people, and my mother, over and over again, that she should never be turned out, but should go on at all events as long as she lived, at the same rents, they being so lately set by Millard, and the only alteration he should request was, that she should let his son have the use of the rooms for a few days in the shooting season, and find him with what is necessary, by being paid what was reasonable for the same; [and no longer ago than the 18th of October, 1847, he was at my house, Stanfield, where the distress was on, and after talking with me in his usual manner, the subject of the Felmingham farms was brought up, and he repeated again to me what he had so often done—that the Felmingham farms should never be taken away from us; I requested a memorandum to that effect; he would not give me one, but called one of the bailiffs, who was then on the place, and the only one, besides his father, who knew how to behave themselves, to witness the substance of the following memorandum, which I requested my housekeeper to write down as correctly as she could she having heard the whole, as well as he, and they both signed it, and said they would come forward at any time if called on to make oath to its correctness, as near as they could recollect. It was as follows:—

*Memorandum made this 19th day of October, 1847.*

We, the undersigned, heard Isaac Jermy, Esq., repeat to Mr. J. B. Rush, last evening, and J. Philip Bowgen was requested by the said Isaac Jermy, Esq., to be witness, that if Mrs. Rush, of Felmingham, paid the distresses off at Felmingham for rent, he should consider her his tenant for both the farms; if Mr. Rush would cancel and do away with his lease of the farm he had been holding, and also his claim on the lease of the farm that Mrs. Rush had been farming; that he, the said Isaac Jermy, was perfectly satisfied with Mrs. Rush as a tenant, and that all the alteration he should think of making in the present leases was, that he should stipulate for a room or rooms in the house for a few days in the shooting season for his son, Jermy Jermy, and that Mrs. Rush was to find him what he might want, by being paid what was reasonable for the same. He also said if she had paid the rent on Thursday, he should have accepted her at once as tenant for both farms, as he said he would when at Felmingham with Mrs. Rush, and given her back whatever the expenses were less than the £10, and it was a great pity that he had not a receipt with him at the time, that she might have done so; but even now, whenever she paid the money, he was perfectly willing to accept her as tenant, and the only alteration he wanted

## James B. Rush.

(the rents being so lately set by Millard) was, as he had stated, about a room for his son when shooting.

Witness our hands the day and year above written,

EMILY SANDFORD,

PHILIP BOWGEN, Jun.

The above memorandum is a copy of the original.] ”

In this narrative there is just enough truth to save it from being complete falsehood. The Rev. George Preston would never pay tithes and suffered his land to lie idle for that reason. When therefore Rush took the Hall farm, it was in a wretched state. The original rent was low, because it did not include tithes, while the new lease, under Mr. Recorder Jermy, did include tithes. Rush's statement was that he left Wood Dalling neither in better nor worse circumstances than when he took it, leaving with about the same capital he commenced with, viz., £2000. He afterwards affirmed that he had £3000 in addition from his late father-in-law, Mr. Soames, and his sons, and also money from his mother, all of which was lost.

*Note.*—The Jermy Estates troubles were not ended with Rush's exit. See *Taylor v. Gwyn*; claim for Jermy Estates; Norwich Summer Assize, 5th August, 1878; before Lord Justice Thesiger. [Good report in *The Times*, 6th August, 1878, p. 9, cols. 1 and 2.]





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